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CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
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1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE WESTERN DISTRICT OF TEXAS
3 AUSTIN DIVISION

4 UNITED STATES OF AMERICA) Docket No. A 99-CR-274 SS
5 v.)
6 GARY PAUL KARR) Austin, Texas
7)
8) May 18, 2000

9 VOLUME 5 of 12
10 TRIAL ON THE MERITS
11 BEFORE THE HONORABLE SAM SPARKS

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Proceedings recorded by mechanical stenography, transcript
produced by computer.

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U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS (AUSTIN) ORIGINAL

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1 THE COURT: Anything from the prosecution before we
2 bring in the jury?

3 MR. CARRUTH: Nothing, your Honor.

4 THE COURT: Defense?

5 MR. T. MILLS: No, sir.

6 THE COURT: Bring in the jury.

7 (Jury present.)

8 THE COURT: I was hoping that one of you might bring a
9 little rain in as you come in. I would not be opposed to
10 rain. We often sit and listen and work. I can look straight
11 through that window and watch it rain, and it beats the
12 monotony of watching cars come up and stop and take a right
13 and go halfway down the street and have to make a U-turn,
14 which happens about 20 times a day.

15 Since we last met, has anyone attempted to talk to you
16 about this case?

17 THE JURORS: No.

18 THE COURT: Have you talked to anybody about this
19 case?

20 THE JURORS: No.

21 THE COURT: And have you learned anything at all about
22 this case outside the presence of each other and this
23 courtroom?

24 THE JURORS: No.

25 THE COURT: Show negative responses to all questions

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Houston - Direct (Resumed)

1 by all the jurors. And you may call your next witness.

2 MR. CARRUTH: We recall Agent Sykes.

3 THE COURT: That's correct, I'm sorry. You're still
4 under oath, sir.

5 THE WITNESS: Yes, sir.

6 DIRECT EXAMINATION (Resumed)

7 BY MR. CARRUTH:

8 Q. Agent Houston, when we broke for the evening yesterday,
9 you were telling us about the search conducted at the ranch
10 property near Camp Wood, Texas?

11 A. Yes, sir.

12 Q. And I believe you had testified that there had been heavy
13 rains in that area?

14 A. Previous to that, yes, sir.

15 Q. And I want to ask you one more question about that before
16 we move on to something else. Was the search -- the three-day
17 search conducted last year over the Easter weekend by the FBI
18 and other state and federal agencies successful in locating
19 any human remains on the ranch?

20 A. No human remains were found.

21 Q. Okay. Now, you told us, also, yesterday that back last
22 March, when you visited Mr. Karr in his home in Michigan, that
23 he made several statements to you that led you to the ranch?

24 A. Yes, sir.

25 Q. And during the course of that same statements that he made

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Houston - Cross

1 to you, did he say anything about whether he took a trip out
2 of state with Jon Garth Murray during 1995?

3 A. He said --

4 MR. T. MILLS: Excuse me, Judge. Because of the fact
5 that the statement -- two statements have been typed and
6 signed, we object to testimony about the statements instead of
7 the statements being introduced into evidence themselves.

8 THE COURT: That objection's overruled.

9 Q. (BY MR. CARRUTH) Do you want me to repeat the question?

10 A. I traveled from interstate?

11 Q. Yes, sir.

12 A. Okay. Mr. Karr indicated that he, in the company of Jon
13 Garth Murray, flew from San Antonio up to New Jersey, where
14 they spent the night and, apparently, he had some banking
15 transactions the following morning.

16 Q. And did they subsequently return to San Antonio?

17 A. Yes, sir, they did.

18 Q. Now, did Mr. Karr tell you whether he traveled under his
19 own name or under an assumed name or alias?

20 A. He said that he traveled under an assumed name of Conrad
21 Johnson.

22 Q. Thank you, sir. Pass the witness.

CROSS-EXAMINATION

23 BY MR. T. MILLS:

24 Q. In the course of the investigation, did you -- have you

Houston - Cross

1 ever learned that Jon Murray was the person who suggested the
2 name that Gary Karr travel under because it was the first name
3 of an atheist friend and the last name of another atheist
4 friend?

5 A. I certainly had that belief. I'm not certain if he -- I
6 don't believe he actually indicated that.

7 Q. All right. You didn't -- your investigation did not
8 indicate that Gary Karr knew either one of these atheist
9 friends of the O'Hair Murrays, did he?

10 A. I don't recall any mention of that.

11 Q. All right. Isn't it true that -- let me look at my notes
12 from yesterday. When you and other law enforcement agents
13 went to the home of Gary Karr, you did not possess, none of
14 you, an arrest warrant, correct?

15 A. No, sir.

16 Q. All right. You would have attempted in every way to
17 follow the laws concerning the rights of citizens, wouldn't
18 you?

19 A. Yes, sir.

20 Q. All right. He had the right to not talk with you?

21 A. That's correct.

22 Q. You or one of the other agents read him what are commonly
23 called Miranda Warnings?

24 A. Yes, sir, Mr. Martin did that.

25 Q. All right. And those include the statement you have the

Houston - Cross

1 right to an attorney, and if you can't afford one, one will be
2 appointed for you, correct?

3 A. Yes, sir.

4 Q. All right. Did he ask for a lawyer?

5 A. No, sir.

6 Q. Okay. I wrote down this quote yesterday: You were
7 welcome to come inside. Is that pretty much what you remember
8 him saying?

9 A. I'm not sure he said "welcome," but as far as entry into
10 it, he was asked, and he responded that we could enter the
11 apartment and speak with him.

12 Q. All right. Now, the map that he drew was not where he
13 believed the bodies were buried, if they are buried, but what
14 he said that David Waters told him that the bodies were
15 buried, correct?

16 A. Mr. Waters told him that was where they were buried, and
17 also, Mr. Karr went with Waters to this particular location
18 and drove around the field.

19 Q. Correct. But at no time during the conversation or during
20 the statement did Gary Karr say, "I killed Madalyn or Jon or
21 Robin," did he?

22 A. No, sir, he did not.

23 Q. "Or Danny Fry"?

24 A. I don't think he was speaking for Danny Fry.

25 Q. All right. He did not ever say in your presence or the

Houston - Cross

1 presence, to your knowledge, the presence of the other agents
2 that he was present when Madalyn, Jon or Robin were killed, if
3 they were?

4 A. No, sir.

5 Q. All right. And for three days and part of the nights, 80
6 to 100 law enforcement and law enforcement personnel and law
7 enforcement-related personnel were on this property?

8 A. Yes, sir.

9 Q. You set up a command post right near the corral, right?

10 A. Yes, sir.

11 Q. And it would be fair to say that sophisticated scientific
12 equipment was used to hunt the land for the possibility of
13 buried bodies?

14 A. Yes, sir.

15 Q. All right. You did not find any bones that were believed
16 to be human, correct?

17 A. Not that we believe to be human.

18 Q. Did you find a deer carcass?

19 A. We found several carcasses out there. I'm not qualified
20 to indicate what they were. The ones I do recall seeing were
21 larger than, I think, a deer carcass.

22 Q. They were not determined to be human?

23 A. No, sir.

24 Q. All right. Did you find any human clothing in any way
25 believed to be related to Madalyn, Jon or Robin?

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Houston - Cross

1 A. No, sir.

2 Q. During the eight hours, on March the 24th, and
3 approximately two hours, on March the 25th, Mr. Karr had the
4 right at any time to stop talking, correct?

5 A. Yes, sir.

6 Q. He did not do that, did he?

7 A. No, sir.

8 Q. All right. I believe that's all the questions that I
9 have. Thank you.

10 MR. CARRUTH: Nothing further, your Honor.

11 THE COURT: You may step down. You may call your next
12 witness.

13 MR. CARRUTH: At this time, United States called Jerry
14 Basey.

15 THE COURT: This is Mrs. Sims. She's going to
16 administer an oath to you.

17 (Witness was sworn.)

18 THE COURT: Now, if you'll just have a seat, sir.
19 Watch that microphone. You can adjust that microphone if it's
20 bothering you. Tell us your full name and spell your last,
21 please.

22 THE WITNESS: Jerry Basey, B-A-S-E-Y.

23 JERRY BASEY, called by the Government, duly sworn.

24

25

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Basey - Direct

1 DIRECT EXAMINATION

2 BY MR. CARRUTH:

3 Q. Where do you live, Mr. Basey?

4 A. In Austin.

5 Q. And were you living here back in 1995?

6 A. Yes, sir.

7 Q. Have you ever been to the Poodle Dog Lounge on North
8 Lamar?

9 A. Yes, sir.

10 Q. Did you at that time know a lady by the name of Patti Jo
11 Steffens?

12 A. Yes, sir.

13 Q. How did you know Ms. Steffens?

14 A. She tended bar.

15 Q. Okay. And would it be fair to say you were a frequent
16 customer at that establishment?

17 A. Yes, sir.

18 Q. And did you consider yourself to be a friend of Ms.
19 Steffens?

20 A. Uh-huh.

21 Q. Did there come a time during 1995 when -- by the way, did
22 you have a deer lease or hunting lease during that time?

23 A. Yes, sir.

24 Q. And how long had you had that hunting lease?

25 A. About three years.

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Basey - Direct

1 Q. And did you ever talk about that hunting lease while you
2 were at the Poodle Dog Lounge?

3 A. Oh, yeah.

4 Q. Talk about it a lot?

5 A. Oh, yeah.

6 Q. Did Ms. Steffens know that you had this hunting lease?

7 A. Yeah.

8 Q. You talked to her about it. Did there come a time in 1995
9 when Ms. Steffens asked to use or get access to that hunting
10 lease?

11 A. Well, it was sort of like she was going on a weekend
12 vacation or something, you know.

13 Q. Looking for a place to get away?

14 A. Uh-huh.

15 Q. Okay. And what did you tell her?

16 A. I just told her to go down to the deer lease, swim in the
17 river. I have a camper down there.

18 Q. Now, this is a rather isolated area, is it not?

19 A. Not really.

20 Q. Well, for someone who's never been there?

21 A. Oh, yeah.

22 Q. Did you give her any directions on how to get there?

23 A. Yeah, I drew her a map.

24 Q. Drew her a map. Did you give her the combination to the
25 lock on the gate?

Basey - Direct

1 A. Yeah, you had to get it to get in.

2 Q. Do you remember what that combination was at that time?

3 A. 1111.

4 Q. Okay. Mr. Basey, I'm showing you what's been marked for
5 Government's Exhibit 90-1, and it purports to be a map drawn
6 on yellow line legal paper. Did you prepare that map?

7 A. Yes, sir.

8 Q. Now, that is not the map you gave to Ms. Steffens, is it?

9 A. I don't think so.

10 Q. That's the one you prepared for the investigators to
11 replicate it?

12 A. I believe it is, yes.

13 Q. And on one side of the map, it shows the directions, what
14 highways to take from Austin to Camp Wood; is that correct?

15 A. Yes, uh-huh.

16 Q. And on the other side of the map, I believe it shows kind
17 of a --

18 A. The area --

19 Q. -- the area?

20 A. -- the camp.

21 Q. How you get to the camp from Camp Wood, correct?

22 A. Yeah.

23 Q. Off of Highway 55?

24 A. Right.

25 Q. Okay. All right, sir. We'd offer Government's Exhibit

Basey - Direct

1 W90-1.

2 MR. T. MILLS: No objection. It is, as I understand
3 it, like the map that he previously drew?

4 MR. CARRUTH: It is a replicated version of the map
5 that he drew.

6 MR. T. MILLS: No objection.

7 THE COURT: All right. It's received.

8 Q. (BY MR. CARRUTH) Now, Mr. Basey, you've been out to that
9 deer lease several times over the last three years you had it,
10 correct?

11 A. Uh-huh.

12 Q. And I'm going to show you here part of a map of Texas, an
13 official highway map, and you'll notice it's marked
14 Government's Exhibit W86-2, and there's a yellow line drawn
15 here from Austin down to Camp Wood. Do you see that?

16 A. Uh-huh.

17 Q. And is that the suggested route that you drew on your map
18 here that you told Ms. Steffens you take?

19 A. Right, uh-huh.

20 Q. And according to the official highway map, that distance
21 is approximately 187 miles each way. Does that sound about
22 right?

23 A. That's right, and there's another way you could go, the
24 back way, if you go this way through Vanderpool, through kind
25 of back roads, and that's a little shorter; that's about 178

Basey - Direct

1 and a half miles. I don't know --

2 Q. Part of the highway map?

3 A. Yeah.

4 Q. You recommended the other drive?

5 A. That's the way we always went.

6 Q. Okay. At this time, your Honor, we'd offer Government's
7 Exhibit 86-2.

8 MR. T. MILLS: No objection.

9 THE COURT: Be received.

10 MR. CARRUTH: Okay.

11 Q. (BY MR. CARRUTH) Let me show you now, Mr. Basey, what's
12 been marked for identification as W86-2 second, so we'll make
13 that 2A. It's a second exhibit to that, and that's a blowup
14 of the Camp Wood area made from the Real County map. Do you
15 recognize that, sir?

16 A. Yes, I certainly do.

17 Q. And the ranch area that you had the lease on is outlined
18 in green at the bottom, correct?

19 A. Right, uh-huh.

20 Q. And it's just off of Highway 55?

21 A. Right.

22 Q. And there's a bridge here. Do you know what river is
23 flowing through there?

24 A. That's the Nueces River.

25 Q. And do you know where the Nueces River empties into?

Basey - Direct

1 A. Corpus, I believe.

2 Q. Gulf of Mexico?

3 A. Yeah.

4 Q. Have you ever been out in that area when there's been
5 heavy flooding?

6 A. It's rained down there several times. I know one year, it
7 flooded, rerouted the river right there.

8 Q. Yes, sir. And what happened during the flood? Did the
9 river get out of its banks?

10 A. Well, we weren't down at the time.

11 Q. Right. Did you subsequently learn --

12 A. It didn't get up into our camp road.

13 Q. There are some arroyos and low areas completely washed
14 out?

15 A. Right.

16 Q. We'd offer at this time, your Honor, Government's Exhibit
17 W86-2, second part.

18 MR. T. MILLS: No objection.

19 THE COURT: It's received.

20 MR. CARRUTH: Thank you.

21 Q. (BY MR. CARRUTH) Mr. Basey, I'm now handing you what's
22 been marked as Government's Exhibit W88-1, and I'll ask you to
23 take that out of the plastic envelope and take a look at it.
24 Just go ahead and take it out, if you could, sir, so you could
25 read it and look at the signature.

Basey - Direct

1 A. This is sort of the agreement that we had with the --

2 Q. The landowner?

3 A. Right.

4 Q. And who was the landowner? Who leased that property to
5 you for hunting?

6 A. Don Friend.

7 Q. Don Friend. Okay. And what's the date that that document
8 was executed?

9 A. November 5th of 1994.

10 Q. And is that your signature, Jerry Basey, as one of the
11 lessees?

12 A. Yes, sir.

13 Q. And there were others on the lease with you, right?

14 A. Right, uh-huh.

15 Q. At this time, your Honor, we would offer Government's
16 Exhibit No. W88-1.

17 MR. T. MILLS: May I look at it first?

18 MR. CARRUTH: Yes.

19 MR. T. MILLS: No objection.

20 THE COURT: Received.

21 Q. (BY MR. CARRUTH) Mr. Basey, are you still a hunter?

22 A. No. I gave it up.

23 Q. Gave it up. Do you recall back in those days when you
24 were hunting when deer season normally begins?

25 A. Yes, sir, November the 1st.

Basey - Cross

1 Q. All right, sir. So the months of September and October of
2 1995, or any other year during that time frame, would be
3 before the hunting season starts, when people normally
4 congregate on the hunting lease. Is that a fair statement?

5 A. Dove hunts starts in September.

6 Q. Dove hunts. Okay. But did you dove hunt out there in
7 September?

8 A. Very few times.

9 Q. Okay. Mostly used it for deer hunting?

10 A. Right.

11 Q. All right. Pass the witness.

12 CROSS-EXAMINATION

13 BY MR. T. MILLS:

14 Q. Good morning.

15 A. Good morning, sir.

16 Q. My name is Tom Mills. I met you, at one occasion, at the
17 Poodle Dog Lounge.

18 A. Yeah, I remember.

19 Q. All right. If you were in your automobile -- if you were
20 in your car in Austin and you drove about 1993 miles in any
21 direction and turned around and drove back, the mileage would
22 be about 387 miles, wouldn't it?

23 A. I suppose.

24 Q. Well, if the mileage out there at this camp is about 387
25 miles round trip, and you got in my car and saw that I had

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Basey - Cross

1 driven 357 miles, would you automatically know where I'd been?

2 A. Not really.

3 Q. You've walked around that property out there, haven't you,

4 the deer lease?

5 A. A couple of times we had a wounded animal we had to go

6 look for.

7 Q. Did you ever try to dig a hole out there?

8 A. Yeah.

9 Q. How deep did you get?

10 A. About a foot.

11 Q. It's rock, isn't it?

12 A. But that was over at the camp site.

13 Q. Yeah. Well, so where it's soft?

14 A. Well, the soil is soft, you know, when it would rain. It

15 would be soft and you could get stuck in the mud. But

16 normally about a foot deep be about always you could get

17 before you get rock.

18 Q. You haven't done any looking to see what the weather was

19 like out there in terms of visibility or whether or not it was

20 rainy into September 1995, have you?

21 A. I couldn't remember that.

22 Q. When you were out there during the fall, during deer

23 season, did you ever see any bodies out there, dead bodies,

24 humans?

25 A. No.

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Basey - Redirect

1 Q. Did you ever see any ground that looked like it might be a
2 grave site where ground had been piled up?

3 A. No.

4 Q. If you're in Camp Wood and you drive down Highway 55, you
5 go over a little bridge, don't you?

6 A. Correct.

7 Q. And the bridge is over the creek, which runs on through
8 the property, correct?

9 A. Right.

10 Q. And then, you go a little bit further and you turn -- you
11 go to that gate and you turn into that property, right?

12 A. That's correct.

13 Q. So if you went to the property from Camp Wood, you'd know
14 there was a creek because you were on a bridge, correct?

15 A. It's called a dry wash, you know.

16 Q. All right. That's all the questions I have.

17 RE-DIRECT EXAMINATION

18 BY MR. CARRUTH:

19 Q. Mr. Basey, I'd like to get you to take a look at some
20 photographs here, some aerial photographs of the property, and
21 see if that helps you recall the terrain out there. It wasn't
22 just a smooth, open pasture, was it?

23 A. It was -- it wasn't real thick brush, only in certain
24 places. It was fairly open country.

25 Q. Uh-huh. Okay. You know how many acres were on that deer

Basey - Redirect

1 lease?

2 A. It's a thousand, 86, something like that.

3 Q. You're not telling the jury you walked over all those
4 1,086 acres looking for bodies?

5 A. No.

6 Q. You just stayed in one particular --

7 A. We had our deer stand. We drove to those.

8 Q. Pretty big piece of property, isn't it, sir?

9 A. I think it's about a mile wide and two miles long.

10 Q. Yes, sir. Were there sheep or cattle on that property?

11 A. Oh, yeah, there were goat, sheep and cattle --

12 Q. Did the landowner --

13 A. -- for some time.

14 Q. -- did the landowner have a bulldozer out there that he
15 used to push out roads?

16 A. No.

17 Q. Did you ever see that bulldozer?

18 A. Not that I've seen, no.

19 Q. Okay. Well, how did they push those roads out there that
20 got all those piles of caliche?

21 A. That was done before we got there.

22 Q. That was done in the off season?

23 A. Done before we got there.

24 Q. Okay. That's all, your Honor. Thank you.

25 MR. T. MILLS: Nothing further.

Mulroy - Direct

1 THE COURT: May this witness be excused?

2 MR. CARRUTH: Yes, sir.

3 MR. T. MILLS: Yes, sir.

4 THE COURT: You may be excused, sir. Call your next
5 witness.

6 MR. CARRUTH: Randy Mulroy.

7 (Witness was sworn.)

8 THE COURT: Walk around the column, please, sir, and
9 have a seat up here. State your full name and spell your
10 last.

11 THE WITNESS: Randy Mulroy, M-U-L-R-O-Y.

12 RANDY MULROY, called by the Government, duly sworn.

13 DIRECT EXAMINATION

14 BY MR. CARRUTH:

15 Q. How are you employed, Mr. Mulroy?

16 A. I'm employed with the Austin Airport Police Department.

17 Q. And how long have you been employed with the Austin
18 Airport Police?

19 A. Fourteen years.

20 Q. And can you tell the folks from out of town when Austin
21 moved its airport from Robert Mueller Airport, over here in
22 East Austin, out to the old Bergstrom Air Force Base?

23 A. May 23rd of last year.

24 Q. Okay. And you had been employed at the Austin Airport --
25 Robert Mueller Airport, back in '95 and '96?

Mulroy - Direct

1 A. Yes, sir.

2 Q. I want to show you what's been previously admitted as
3 Government's Exhibit W21-2 and represent to you, it's a
4 certified copy of the title history. Would you take a look at
5 that document and tell us whether or not you're familiar with
6 the vehicle that it references.

7 A. Yes, sir, I am.

8 Q. And what is that vehicle, sir?

9 A. It's a 1985 Porsche.

10 Q. And to whom was that vehicle registered in 1995?

11 A. Robin Murray O'Hair.

12 Q. And did you have an occasion to seize or impound that
13 vehicle from the parking lot at Robert Mueller Airport?

14 A. Yes, sir.

15 Q. And what caused you to take that action, sir?

16 A. Two detectives from the Austin Police Department --

17 Q. Without going into any hearsay.

18 A. -- contacted us and asked us if we could show them where
19 it was.

20 Q. Had you previously run a registration check on that
21 vehicle?

22 A. Yes, sir.

23 Q. And had it been in the lot unattended for a long period of
24 time?

25 A. Yes, sir.

LILY I. REZNIK
U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS (AUSTIN)

Cucinotta - Direct

1 Q. Did you make any attempt to contact the owner of that
2 vehicle?

3 A. Me personally, no.

4 Q. Okay. Pass the witness.

5 MR. T. MILLS: I don't have any questions.

6 THE COURT: You may be excused, sir. You may call
7 your next witness.

8 MR. CARRUTH: Francis Cucinotta.

9 THE COURT: If you'll just come right up here, please,
10 ma'am. This is Mrs. Sims. She's going to administer an oath
11 to you.

12 (Witness was sworn.)

13 THE COURT: You need to walk around and follow the
14 Security Officer there and walk around this column. Tell us
15 your full name, please, ma'am, and spell your last name.

16 THE WITNESS: Francis Cucinotta, C-U-C-I-N-O-T-T-A.

17 DIRECT EXAMINATION

18 BY MR. CARRUTH:

19 Q. Where do you live, Mrs. Cucinotta?

20 A. 3513 Luther Winn Avenue in Berwyn, Illinois.

21 Q. Are you also known as Cookie Cucinotta?

22 A. Yes, I am.

23 Q. Ms. Cucinotta, do you know the defendant in this case,
24 Gary Paul Karr?

25 A. Yes, sir.

Cucinotta - Direct

1 Q. How long have you known Mr. Karr?

2 A. Since approximately 1993, I believe.

3 Q. And where did you meet him? Under what circumstances?

4 A. He was incarcerated.

5 Q. Okay. And was there a relative of yours who was
6 incarcerated at the same facility as Mr. Karr?

7 A. Yes.

8 Q. And is that how you were introduced to him?

9 A. Yes.

10 Q. Okay. Did you develop a friendship with Mr. Karr after
11 you met him?

12 A. Yes.

13 Q. And can you tell us approximately when that would have
14 been that you met him?

15 A. Approximately sometime in '93.

16 Q. Okay. And he was subsequently released from that
17 institution, was he not?

18 A. Yes.

19 Q. And did you have anything to do with providing
20 transportation from -- for Mr. Karr upon his release from that
21 institution?

22 A. Yes.

23 Q. Can you tell the jury what, if anything, you did to assist
24 him or provide him with transportation?

25 A. I drove down there and picked him up.

Cucinotta - Direct

1 Q. Okay. And after Mr. Karr was released, do you recall when
2 that was?

3 A. It was the beginning or the latter part of March of 1995.

4 Q. Or the beginning of -- you were going to say?

5 A. April.

6 Q. Okay. And where did you take him when you picked him up
7 in your motor vehicle?

8 A. I took him back to my house.

9 Q. Okay. Did he reside with you in your home for a period of
10 time in Berwyn, Illinois?

11 A. Yes.

12 Q. Approximately how long did Mr. Karr reside with you?

13 A. Two months.

14 Q. Okay. Did you and Mr. Karr jointly apply for a credit
15 card from the Harris Bank and Trust Company in Chicago?

16 A. Yes.

17 Q. Ms. Cucinotta, I'm showing you what's been marked for
18 identification as Government's Exhibit W15-1, and if you would
19 look through that, please, ma'am, for a moment, and tell me if
20 you've ever seen it before, if you recognize it.

21 A. I need to put my glasses on.

22 Q. Okay. Please.

23 A. Okay. What was the question?

24 Q. Would you look -- there's several pages in that exhibit,
25 please, ma'am. Look through it and see if you see your

Cucinotta - Direct

1 signature on those pages.

2 A. Yes, I do.

3 Q. And do you see Mr. Karr's signature?

4 A. Yes.

5 Q. Okay. What do those records show, ma'am, or what,
6 basically, are they? Are they records of that application for
7 the credit card you previously talked about?

8 A. Yes.

9 Q. That you and Mr. Karr obtained together?

10 A. Yes.

11 Q. We would offer Government's Exhibit W15-1.

12 MR. T. MILLS: No objection.

13 THE COURT: Received.

14 Q. (BY MR. CARRUTH) Can you tell from looking at this
15 application when you and Mr. Karr applied for this credit
16 card? What type of credit card was it, do you remember?

17 A. It was a Mastercard.

18 Q. A Mastercard. Okay. Can you tell when you made
19 application to obtain that credit card based on those records?

20 A. Yes, October of 1994.

21 Q. Okay. So even before Mr. Karr had been released, you and
22 he had jointly applied for a credit card?

23 A. Yes.

24 Q. How did he sign that application if he was incarcerated?

25 A. I believe I might have mailed it to him.

Cucinotta - Direct

1 Q. Okay. And was that credit card issued?

2 A. Yes, it was.

3 Q. And was that credit card subsequently revoked by you?

4 A. Yes, it was.

5 Q. And for what purpose?

6 A. When him and I split, I removed him from my account.

7 Q. Did you pay the bills on that credit card?

8 A. Yes.

9 Q. Now, during the two months that Mr. Karr was residing with
10 you, and I believe that would be April and May of 1995; is
11 that correct?

12 A. Yes.

13 Q. Did he ever take any out-of-town trips?

14 A. Yes.

15 Q. Where did he go?

16 A. One trip he went was to Florida.

17 Q. Okay. And do you know how he traveled to Florida?

18 A. Yes, he drove.

19 Q. Okay. Did he have a car?

20 A. Yes.

21 Q. Did anyone travel with him?

22 A. Yes.

23 Q. Did he have a sister living near Chicago?

24 A. Yes.

25 Q. And what was her name or what is her name?

Cucinotta - Direct

1 A. Sidney.

2 Q. Sidney Karr?

3 A. Yes.

4 Q. Okay. Is her full name Gayle Sidney Karr, or do you know?

5 A. Yes.

6 Q. Did you meet Mr. Karr's sister?

7 A. Yes.

8 Q. Did you know her previously to him moving in with you?

9 A. Yes.

10 Q. Okay. In fact, you and she had had an acquaintance
11 before; is that not correct?

12 A. We met prior to me going down and picking up Gary.

13 Q. Okay. And do you know why Mr. Karr and his sister
14 traveled from Illinois to Florida?

15 A. Yes.

16 Q. And what was that reason, ma'am?

17 A. To visit his daughter.

18 Q. And do you know his daughter's name, or did you ever meet
19 her?

20 A. Yes, her name was Crystal.

21 Q. Okay. Did Mr. Karr ever use your credit card to purchase
22 an airline ticket to Austin, Texas?

23 A. Yes.

24 Q. And can you tell us when that was, if you know? Let me
25 refer you, once again, to the exhibit that's in evidence,

Cucinotta - Direct

1 right here. Does that indicate a date that the credit card
2 was used?

3 A. Yes, May 9th of 1995.

4 Q. May 9, 1995, and does it indicate what airlines?

5 A. Southwest.

6 Q. And does it show the destination of the flight?

7 A. Austin, Texas.

8 Q. And what was the price of that ticket?

9 A. \$249.

10 Q. And was that roundtrip airfare, to your knowledge?

11 A. I believe it was.

12 Q. He came back, didn't he?

13 A. Yes.

14 Q. And who paid for that ticket?

15 A. I did.

16 Q. Now, did Mr. Karr tell you why he was flying to Austin
17 from Chicago?

18 A. Yes, it was to visit a friend.

19 Q. Okay. And approximately how long was he gone on that
20 trip?

21 A. I'm thinking about approximately a week.

22 Q. Okay. And did he tell you anything when he got back about
23 his visit, or who his friend was, or what they had talked
24 about?

25 A. All I knew was that he went to see his friend that he

Cucinotta - Direct

1 referred to as Bubba.

2 Q. Okay.

3 A. And that's all I knew.

4 Q. Okay. And did you ever have any telephone calls or any
5 correspondence of any kind with a man by the name of David
6 Waters?

7 A. I, no.

8 Q. You don't know Mr. Waters?

9 A. No.

10 Q. Okay. Thank you. Pass the witness.

11 MR. T. MILLS: I don't have any questions.

12 THE COURT: May this witness be excused?

13 MR. CARRUTH: Yes, sir.

14 THE COURT: You may be excused, ma'am. You may call
15 your next witness.

16 MR. D. MILLS: Arthur Miller.

17 THE COURT: If you'll come forward. Mrs. Sims is
18 going to administer an oath to you, sir.

19 (Witness was sworn.)

20 THE COURT: Now you need to walk around this column,
21 have a seat in the witness chair. Tell us your full name,
22 please, sir, and spell your last.

23 THE WITNESS: Full name is Arthur Raymond Miller, Jr.
24 M-I-L-L-E-R.

25 ARTHUR R. MILLER, JR., called by the Government, duly sworn.

LILY I. REZNIK
U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS (AUSTIN)

Miller - Direct

DIRECT EXAMINATION

2 | BY MR. D. MILLS:

3 Q. Would you tell the jury where you reside and how you're
4 currently employed, if you are?

5 A. I currently reside at 233 Sweet Bay Circle, Jupiter,
6 Florida, and I'm currently retired.

7 Q. What did you retire from?

8 A. The construction industry.

9 Q. How long were you in the construction business and what
10 type of construction was it, please?

11 A. We were in the construction business from 1974 till
12 approximately 1996. And the methods or the types of
13 construction was originally in the petrochemical industry in
14 California, and then, eventually migrated into the new home
15 construction.

16 Q. Mr. Miller, you met me for the first time last evening; is
17 that correct?

18 A. That's correct.

19 Q. And we spent, maybe 30, 40 minutes together discussing
20 your possible testimony; is that correct?

21 A. That's correct.

22 Q. Reviewing a statement last evening?

23 A. That's correct.

24 Q. During the time that you had a construction business, did
25 you come to know Mr. Karr?

Miller - Direct

1 A. Actually, I was winding my business down at the time I
2 came to know Mr. Karr.

3 Q. How is it you came to know Mr. Karr?

4 A. My current wife, who I was dating in July of 1995, worked
5 at a restaurant where Gary's ex-wife worked.

6 Q. Do you see Mr. Karr in the courtroom here today?

7 A. Yes, I do.

8 Q. And what time period was that that he came to be employed
9 by you?

10 A. July, 1995.

11 Q. And in front of you is a document labeled Government's
12 Exhibit W17-1; is that correct?

13 A. Yes.

14 Q. And you've previously seen that?

15 A. Yes.

16 Q. And you know what that is?

17 A. Yes.

18 Q. Those are records of your business related to the time
19 worked by Mr. Karr; is that correct?

20 A. These are actually some material receipts that Gary filled
21 out and, also, time sheets that Gary filled out.

22 Q. And those are in his handwriting; is that correct?

23 A. That's correct, yes, sir.

24 Q. We'd offer W17-1, your Honor.

25 MR. T. MILLS: No objection.

Miller - Direct

1 THE COURT: Received.

2 Q. (BY MR. D. MILLS) Do you have a copy -- the typewritten
3 copy of the statement that Agent Martin prepared after he
4 interviewed you?

5 A. Yes, I did.

6 Q. And would you look at the top of the second page and tell
7 the jury -- you reviewed this previously. Tell the jury the
8 records indicate what time that Mr. Karr was working for you
9 in the summer of 1995. You could do any time, June, July,
10 August and September through October, and just tell the jury
11 what days that shows that he was actually in Florida working
12 for you.

13 A. Do you want me to just read these off?

14 Q. You can read that if that's --

15 A. Okay. Gary actually -- I hired Gary as a subcontract
16 painter at the request of my wife and through his ex-wife.
17 And these records show that he worked on July 14th, 17th,
18 18th, 19th, 20th and 25th, and then, on July 24th, 25th,
19 26th, 27th and 28th. There was then a lapse in the work time,
20 and there really wasn't much being done on the house because
21 my wife and my two sons had gone on a boating trip towards the
22 Keys.

23 So the next time I showed Gary working is on August
24 7th, the 14th, 15th, 16th, 17th, the 18th, the 19th and the
25 22nd.

LILY I. REZNIK
U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS (AUSTIN)

Miller - Direct

1 Q. And then, is there a gap in time?

2 A. There's a large gap in time.

3 Q. That gap begins when?

4 A. Begins at the end of August, and then --

5 Q. What's the date that your records show that August what?

6 A. He did not work from August 24th through October 11th.

7 Q. And then, he came back to work in October; is that
8 correct?

9 A. I have him working on October 12th, 13th, 16th, 17th, 19th
10 and 20th.

11 Q. And do you also have him -- you show him the last time you
12 paid him for some work was January 9th of 1996? Or February
13 2nd, 1996, I guess. There's two payments there; is that
14 correct?

15 A. Yes. The last -- I don't actually have the records for
16 the January and the February amounts that he was paid or what
17 he was paid for.

18 Q. But you know he was paid on those dates; is that correct?

19 A. Yes.

20 Q. All right. When Mr. Karr was working for you, do you know
21 where he stayed? Where he made his home?

22 A. Gary started out originally living with his ex-wife,
23 Charlene, and I don't remember exactly where the address was.
24 And then, they separated, split up, or whatever, and Gary
25 actually resided in one of the rooms in our house. And he

Miller - Direct

1 lived there until sometime in February -- I'm going to say
2 sometime after February 15th.

3 Q. And in February 15th -- around February 15th of 1996, were
4 you doing something with your house that caused him, Mr. Karr,
5 that you asked him to leave?

6 A. Yes, at that time, we had the house on the market. We
7 pretty much finished all the work on it, and my wife and I had
8 gone to a boat show in Miami, and while we were en route to
9 the boat show, my son -- my oldest son, who also lived at the
10 house at that time, called and said that a realtor wanted to
11 show the house that afternoon and he wanted to make sure it
12 was okay.

13 And I said, yeah, go ahead, and make sure everything's
14 straightened up. And I said, "Just get Gary to give you a
15 hand." And he says, "Well, I haven't seen too much of Gary
16 around." And he says, "To be honest with you, Dad, he says
17 Gary's -- you know, the room that he was staying in was kind
18 of trashed." I said, "Just pick it up the best you can."

19 And when we came home, at that point, I said to Gary,
20 you know, "It's time for you to go."

21 Q. In August of 1995, do you recall receiving a telephone
22 call from an individual named David Waters?

23 A. I actually did not receive a call from Waters in 1995. I
24 received a phone call from him at a later date.

25 Q. Do you recall Mr. Waters calling Mr. Karr at your house?

Miller - Direct

1 A. The only thing I have is his -- a record that Agent Martin
2 asked if I was aware of a call that was made at that time,
3 that they show a call to my phone number. That was made by
4 Walters, which I did not know at the time.

5 Q. Okay.

6 A. At the time of that call that Agent Martin was referring
7 to was August 5th, and that's when we were on the boat trip.

8 Q. Okay. Did you know from Mr. Karr telling you that he had
9 previously been incarcerated in a penal institution?

10 A. When --

11 Q. Without going into the details, just were you aware that
12 he had been in prison?

13 A. Yes.

14 Q. In August, you've indicated that he was not in your
15 employment from August 24th to August 11th, 1995. Did Mr.
16 Karr tell you what he was going to do during that period of
17 time?

18 A. Yes. At that time, Gary said that he had an opportunity
19 to go to Texas to participate in some kind of a poker game
20 where he was going to be backed by some individuals and that
21 it would be an opportunity for him to receive a pretty good
22 amount of cash if he was successful in the card game.

23 Q. Did you question him about being involved in such an
24 activity based upon his former imprisonment?

25 A. At that point in time, just a brief comment about it, but

Miller - Direct

1 Gary's comment was -- is, you know, after 20 years, I need to,
2 you know, basically build a stake to get myself going.

3 MR. T. MILLS: Excuse me. I object to the last
4 response -- statement being nonresponsive.

5 THE COURT: Sustained.

6 Q. (BY MR. D. MILLS) How many times did Mr. Karr leave
7 Florida and go to Texas that you're aware of?

8 A. I know of Gary leaving Florida four times. There was a
9 period in the early part of July or sometime in the July
10 period where he had to go to -- he told me he had to go to
11 Illinois to report in to his parole officer. Then, he left
12 for the card game.

13 Q. And that would have been --

14 A. The card game?

15 Q. Right.

16 A. That would have been in that time period between --

17 Q. August 24th and October 11th?

18 A. Yes.

19 Q. Okay. And do you know how he went on that occasion to
20 Texas?

21 A. Yeah, Gary had purchased a white jeep that he drove to
22 Texas.

23 Q. When Mr. Karr returned, did you question him about his
24 trip to Texas and his -- the true purpose of that trip?

25 A. No. At that point in time, Charlene, his ex-wife, had

Miller - Direct

1 basically been in touch with us and said that he had been
2 previously --

3 MR. T. MILLS: Excuse me. Object to hearsay and
4 nonresponsiveness.

5 THE COURT: Sustained.

6 Q. (BY MR. D. MILLS) If you need to, look at the document
7 that we went over with last night, and see if -- when he
8 returned from Texas, if you had some conversation with him
9 regarding the veracity of his story about playing a poker
10 game. Item No. 8 on the report.

11 A. Okay. At the time of Gary's return from his first trip,
12 no. Gary made a second trip to Texas because he did not
13 return with any money after the first trip. And on the second
14 trip, he stated that he was going to get his money. At that
15 point in time, when he returned from the second trip again,
16 without any money is when I questioned, you know, why he was
17 doing this and what he was getting involved with.

18 Q. What did he tell you in response to your questioning him?

19 A. At that point in time, we got into more of a conversation,
20 and I said I had a problem with understanding about the card
21 game. And Gary began to tell me more a little bit about the
22 details of what he was actually doing in Texas.

23 Q. And what did he tell you he was -- what was his role in
24 what he was doing in Texas?

25 A. His role in Texas, he told me at that time, was as a

Miller - Direct

1 bodyguard for a group of people that were atheists. He said
2 that there was a grandmother, a son and a son either had a
3 wife or there was a granddaughter because the girl called her
4 her -- called the older lady grandma. And then, there was a
5 grandson.

6 Q. And did he tell you what the purpose of -- did he say they
7 were serving as bodyguard is what you testified to?

8 A. That's correct.

9 Q. And why -- did he tell you why his people needed a
10 bodyguard?

11 A. He said the people were being harassed by the IRS and that
12 they were planning on liquidating their assets and leaving the
13 country and either going to someplace like Australia or New
14 Zealand.

15 Q. Did he mention any names of who these people were?

16 A. Just the first two names are the only ones I know was
17 Madalyn and Jon, and I didn't know the two younger names.

18 Q. Did he tell you where these people were going?

19 A. Basically that they were leaving the country to either New
20 Zealand or Australia.

21 Q. Did he tell you who he was working with in this
22 enterprise?

23 A. Yeah, at that point, there was a gentleman by the name of
24 David Waters that had worked, I guess, for these people or
25 this group at that time. And that --

Miller - Direct

1 MR. T. MILLS: Excuse me. Object to the continuation
2 of his answer as being nonresponsive to the question.

3 THE COURT: All right. Just wait for the question and
4 just answer the question.

5 THE WITNESS: Okay.

6 Q. (BY MR. D. MILLS) Did he tell you where they were going to
7 go, right?

8 A. Yes.

9 Q. And that was?

10 A. Australia or New Zealand.

11 Q. And he told you he was working with the individual named?

12 A. David Waters.

13 Q. Did he mention any other names of other persons that were
14 going to be involved?

15 A. There was a total of four individuals, and at that time, I
16 knew one gentleman as Danny, and I think there was a brief
17 mention of a guy by the name of Chico.

18 Q. Did he tell you the locations of where this guarding of
19 these individuals was occurring?

20 A. Predominantly, Austin.

21 Q. Did he mention any other places?

22 A. San Antonio.

23 THE COURT: Please mark your place. I'm going to have
24 to take a short break. Members of the jury, I'm going to give
25 you ten minutes, at least, ten minutes.

Miller - Direct

1 (Recess.)

2 THE COURT: Bring the jury in. You may proceed.

3 Q. (BY MR. D. MILLS) I believe we were talking about Mr. Karr
4 telling you about the people being moved from location to
5 location; correct?

6 A. Correct.

7 Q. Did he indicate anything to you about the disposition of
8 assets of these individuals, what they were doing?

9 A. Basically, they were supposedly cashing out their accounts
10 and transferring the assets into either bearer bonds or gold.

11 Q. Did he mention any amounts of money?

12 A. About 600,000.

13 Q. Did Mr. Karr tell you anything about a trip he had taken
14 with one of these persons they were guarding to obtain some of
15 this money?

16 A. He indicated that he had traveled to New York with the
17 gentleman named Jon.

18 Q. Did he indicate what name he had used when he accompanied
19 Jon?

20 A. Yeah, he said he was kind of concerned that he used his
21 own name because he really didn't want to be associated with
22 these people.

23 Q. What did he indicate to you when he came back from Florida
24 as to whether he had any money from this enterprise?

25 A. This was after he came back the second time and, you know,

Miller - Direct

1 the -- the story of the poker game fell apart, and he said he
2 was waiting for Waters to be paid so that he could be paid.

3 Q. Did he tell you the amount of money that he was supposed
4 to be paid for this enterprise?

5 A. He guestimated about 50 to \$75,000.

6 Q. Do you know if anyone accompanied Mr. Karr on his trip to
7 Austin the second trip that he took?

8 A. His ex-wife met him there.

9 Q. Okay. She came and met him here during the second
10 occasion; is that correct?

11 A. Right.

12 Q. Did he tell you then?

13 A. We knew that, both him and her.

14 Q. Did you have occasion to interact with Mr. Karr and his
15 ex-wife when they returned from Florida without having
16 received any money?

17 A. Yeah, they were both upset.

18 Q. What, if anything, did Mr. Karr tell you about any other
19 contact with Mr. Waters and an individual named Danny Fry?

20 A. Mr. Waters traveled to Florida after the second trip to
21 visit Danny Fry's brother, who lived in Naples.

22 Q. What did Mr. Karr tell you about the purpose of that trip?

23 A. He said that Danny Fry's brother had not heard from Danny
24 and, I guess, had been calling David Waters in Texas. And
25 that Waters came to Florida to talk to Dan's brother, and, you

Miller - Direct

1 know, that he didn't know where he was or what was going on
2 with him or whatever. And, also, that what they were doing
3 was to be kept quiet.

4 Q. When you say "to be kept quiet," who was to be kept quiet?

5 A. They wanted Danny's brother to keep quiet.

6 Q. So Mr. Karr told you, then, that Mr. Waters and Danny Fry
7 went to see Danny Fry's brother?

8 A. No. Danny Fry was -- it was just Mr. Waters.

9 Q. Okay. He didn't mention an individual. He just -- did he
10 say Mr. Waters and someone else, or just Mr. Waters?

11 A. Mr. Waters and somebody else came. I don't know who the
12 other individual was, but it was regarding Danny Fry and
13 talking to Danny Fry's brother and neighbors.

14 Q. And the purpose he told you that Mr. Waters had indicated
15 he was going to talk to Danny Fry's brother was to do what?

16 A. To keep him quiet.

17 Q. What inquiry, if any, did you make about keeping this
18 individual quiet, if you did?

19 A. I don't know if I have a specific recollection.

20 Q. That's fine. I just asked the question generally, if you
21 did or you didn't. That's fine. After Mr. Karr told you
22 about Mr. Waters coming to Florida to threaten Danny Fry's
23 brother, did Mr. Karr indicate anything about his concern for
24 his well-being?

25 A. Yes, he did.

Miller - Direct

1 Q. And what did he express to you?

2 A. He was concerned that Waters was able to move about pretty
3 easy coming to Florida to talk to Danny's brother and that
4 Gary had actually indicated that Waters had basically
5 threatened Charlene and his daughter, Crystal, and at that
6 point in time, Gary just had a new grandson who he was quite
7 attached to and that he had also been threatened.

8 Q. Was there a third trip that Mr. Karr took to Texas that
9 you're aware of?

10 A. Yes.

11 Q. And would you tell us any conversation -- the conversation
12 you had with Mr. Karr prior to his leaving Florida on that
13 third occasion?

14 A. Waters had called Gary to have him come to Texas, and Gary
15 was concerned about -- enough about it that he first asked me
16 if I would go with him.

17 Q. Why did he want you to go?

18 A. To basically cover his back.

19 Q. Did he ask you to loan him anything for this trip?

20 A. Yeah, he wanted to borrow, first off, my wife's car and
21 the reason for that was -- is the jeep was a rough ride coming
22 out here.

23 Q. Anything else?

24 A. He asked to borrow -- she had an old gun that he asked to
25 borrow.

Miller - Direct

1 Q. What did you say to Mr. Karr relative to this inquiry
2 about I'd like to borrow a gun and your car in terms of,
3 maybe, going to the authorities?

4 A. At that point, first off, the response to both those
5 requests was no, and then, I said to Gary that, you know, if
6 you're so concerned with this guy, maybe it's time that you,
7 maybe, go talk to the police about it. And Gary advised me
8 that I didn't know how it worked in prison and, you know,
9 that's the last thing he wanted to do.

10 Q. When he said you did not know how it worked in prison, did
11 he indicate anything about any concern for his safety?

12 A. Basically, he said that even if Waters were to be picked
13 up that he had friends that would be able to fulfill any of
14 the threats that had been made.

15 Q. In response to this, did you say anything to Mr. Karr
16 regarding the veracity, as you perceived it, of his story that
17 he was telling?

18 A. Could you restate that?

19 Q. Did you -- in hearing this, did you ask Mr. Karr anything,
20 like, why don't you tell me the whole truth, or did you
21 believe this story or not believe this story to where you made
22 further inquiry?

23 A. Actually, that took place after the poker story fell apart
24 that we got to the actual involvement that Gary was involved
25 with with the bodyguarding, and the only thing he was

Miller - Direct

1 concerned about at that time was he wasn't sure what might
2 have happened with the people in Texas.

3 Q. Did you make an inquiry at some point in time to say,
4 "Level with me"?

5 A. Yeah.

6 Q. And when did that occur?

7 A. That was prior to the trip, the third trip to Texas.

8 Q. Okay. And in response to that, what did Mr. Karr tell you
9 about his role in this enterprise that was occurring in Texas?

10 A. Basically, what he said at that point was -- is that he
11 had been responsible for bodyguarding these people, he had
12 made the trip to New York, that he had been involved in moving
13 them from, basically, safe house to safe house, from Austin
14 and San Antonio. He said the people didn't feel comfortable
15 staying in any one location for more than a couple of nights.

16 And he said --

17 Q. Did he tell you that -- who had ultimately left with
18 Madalyn and/or Jon and what he was doing during the time that
19 he said that these people had taken Madalyn and Jon someplace?

20 A. Yeah. Waters and, I think, one of the other individual
21 had taken Jon and Madalyn off someplace. And at that point,
22 Gary was left in charge of the two young people. And he said
23 he had gone about 20 hours with the kids, and when Waters
24 returned, Gary said at that point, he went to a hotel or a
25 motel and slept for about 14 hours. And when he got up and

Miller - Direct

1 returned -- freshened up and returned to wherever they were,
2 everybody was gone.

3 Q. Did you find that unusual from your knowledge of Mr.
4 Karr's behavior while he was living with you in terms of
5 sleeping for 14 hours?

6 A. That's pretty unusual because I'm a workaholic and we
7 would work in Florida in the sun 14, 15 hours a day, and that
8 takes you hours and go to a restaurant to get something to
9 eat. And Gary would have a tendency to wait till his ex-wife
10 got off of work, which sometimes could be midnight. So I
11 figured he must have been pretty tired from the events to have
12 slept for that long a period of time.

13 Q. Did Mr. Karr indicate to you during this conversation
14 where the individuals had been taken that were being
15 bodyguarded?

16 A. He assumed that they had been transported into Mexico.

17 Q. After this conversation, what trips, if any, did Mr. Karr
18 make to Texas that you're aware of?

19 A. After that conversation, he made the trip immediately that
20 he wanted to borrow the car and the handgun. And he went on
21 that trip and then, returned back.

22 Q. Do you remember how long it was that he was gone?

23 A. Not exactly.

24 Q. Did you have a -- have any conversations with him after he
25 returned regarding what he was doing in Texas?

Miller - Direct

1 A. Yes.

2 Q. And can you tell us what you asked him and how he
3 responded to you?

4 A. I asked Gary how the trip went in Texas, and he said that
5 it didn't go well.

6 Q. What did he indicate was the problem in not going well?

7 A. He indicated that David Waters -- he felt that the -- that
8 David had killed these people and had buried their bodies in
9 an arroyo someplace. And he said that he and David spent a
10 couple of days running around West Texas someplace, you know,
11 trying to clean up David's mess.

12 Q. Did he tell you specifically -- when you say that David
13 had killed these people and the bodies had been buried, did he
14 tell you specifically where or some relationship to some town
15 in Texas that you recall?

16 A. I'm going to say that it was somewhere a couple of hours
17 away from Austin here.

18 Q. Was there any talk about weather such as rain being a
19 problem based upon the activity that they had been engaged in?

20 A. That was Waters' concern was rain.

21 Q. And what was Waters concerned that Mr. Karr expressed to
22 you?

23 A. That if these assumed bodies washed up, that it would be a
24 problem.

25 Q. What did you, in response to learning about people being

Miller - Direct

1 killed and buried and bodies washing up, what, if anything,
2 did you tell Mr. Karr?

3 A. Well, this was still a lot of -- it was still very hazy
4 and ambiguous, but there was enough of a concern that I said
5 to Gary, again, that he should either contact the police, and
6 he said, "No, I can't do that." And I said, "Then, you need
7 to go see an attorney."

8 And so I had him go -- we called and made an
9 appointment with one of the attorneys in a law firm that I
10 use, and Gary set up an appointment to go see them.

11 Q. Do you know if he did go and see them?

12 A. Yes, he did.

13 Q. Did Mr. Karr return and tell you about his discussion with
14 this attorney?

15 A. Yes, he did.

16 Q. And what did he tell you when he returned after speaking
17 with the lawyer?

18 A. He had actually seen one of my attorneys, named Chuck
19 Phillips, and he spent a couple of hours with him. And he
20 said that he had presented Phillips with the ideas and the
21 theories that he had, and that Phillips had advised him that
22 since nothing was factual that nothing -- not to worry about
23 it.

24 Q. Pass the witness, your Honor.

25 CROSS-EXAMINATION

LILY I. REZNIK
U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS (AUSTIN)

Miller - Cross

1 BY MR. T. MILLS:

2 Q. Mr. Miller, I'm Tom Mills. I don't know if you remember
3 it, but we spoke real briefly several months ago.

4 A. Yes, sir, I do.

5 Q. Yes. Just a couple of questions. There wasn't any time
6 when Gary talked with you after that final trip to Texas when
7 he actually said that he had specific knowledge that these
8 atheists had been killed; isn't that right?

9 A. No, not specific.

10 Q. Okay. I mean, you've used the words "he thought, he
11 felt"?

12 A. Correct.

13 Q. All right. And going out to the -- to West Texas or South
14 Texas because Waters was afraid that the rain would wash up
15 some bodies. He never did indicate that he ever saw any body,
16 did he?

17 A. No, he did not.

18 Q. And prior to that time, he had assumed or speculated that
19 Waters had gotten them into Mexico?

20 A. Yes.

21 Q. And during the period of time that he said that he was
22 helping the atheists move from house to house, didn't he
23 indicate that they were liquidating, possibly, millions of
24 dollars?

25 A. Yes, it was possibly millions, but I think at that point

LILY I. REZNIK
U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS (AUSTIN)

Miller - Cross

1 in time, he said he knew of at least 600,000.

2 Q. All right. You've lived in Florida for how long?

3 A. Since 1991.

4 Q. And you lived in California before that?

5 A. That's correct.

6 Q. You've had some good luck in your day?

7 A. That's true.

8 Q. All right. Win the lottery?

9 A. That's true.

10 Q. Congratulations. Ten million?

11 A. That's correct.

12 MR. CARRUTH: Your Honor, I fail to see the relevance
13 of that.

14 MR. T. MILLS: I can withdraw it if it's
15 objectionable. Just a unique instance regarding his finances.
16 I don't have any other questions.

17 THE COURT: Objection's overruled.

18 MR. D. MILLS: We don't have anything further, your
19 Honor.

20 THE COURT: May the witness be excused?

21 MR. D. MILLS: Yes, from the government.

22 THE COURT: You may be excused. Call your next
23 witness.

24 MR. CARRUTH: David Cox, your Honor.

25 (Witness was sworn.)

LILY I. REZNIK
U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS (AUSTIN)

Cox - Direct

1 THE COURT: Now, walk around this column, please, sir,
2 have a seat. Tell us your full name and spell your last name.

3 THE WITNESS: Full name is David Edward Cox. Last
4 name is spelled C-O-X.

5 DAVID EDWARD COX, called by the Government, duly sworn.

6 DIRECT EXAMINATION

7 BY MR. CARRUTH:

8 Q. How are you employed, Mr. Cox?

9 A. I am the chief operating officer of Capps Rental Car.

10 Q. And does Capps Rent-a-Car maintain a facility for the
11 rental of vans here in Austin?

12 A. Yes.

13 Q. And did they do so back in 1995?

14 A. Yes.

15 Q. Mr. Cox, I'm showing you what's been marked for
16 identification as Government's Exhibit W18-4. Do you
17 recognize that?

18 A. Yes, that's our office in Austin.

19 Q. As it appeared back in 1995 airport?

20 A. Yes.

21 Q. The Robert Mueller Airport before they moved?

22 A. Yes.

23 Q. And the other photographs depict two vans that you're
24 going to testify about here in a minute, right?

25 A. That's correct, yes.

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U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS (AUSTIN)*

Cox - Direct

1 Q. We'd offer Government's Exhibit W18-4.

2 MR. T. MILLS: No objection.

3 THE COURT: Received.

4 Q. (BY MR. CARRUTH) Now, did you bring with you to court
5 today certain records, business records of Capps Rental Car
6 Agency?

7 A. Yes, sir.

8 Q. And can you tell the jury briefly how those records are
9 maintained by your agency?

10 A. Okay. Are you talking about the contracts?

11 Q. Contract, the rental records, yes, sir.

12 A. Okay. We have a centralized billing system, which is in
13 Dallas, Texas. So after a -- all the contracts for the day
14 are done and deposits are made, they are sent Fed Ex to the
15 Dallas office where data reports are maintained and stored.

16 Q. And are those records maintained in the normal course of
17 business of the Capps agency that you work for?

18 A. Yes.

19 Q. And are the entries on those records made by someone
20 having personal knowledge at or near the time of the
21 occurrence?

22 A. Yes.

23 Q. And do you rely, in part, on information provided to you
24 by the customer who rents the van?

25 A. Yes, sir.

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U.S. DISTRICT COURT
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Cox - Direct

1 MR. T. MILLS: We don't have any objection to the
2 records.

3 MR. CARRUTH: All right. Thank you.

4 Q. (BY MR. CARRUTH) Showing you now, sir, what's been marked
5 for identification purposes as Government's Exhibits W18-1,
6 W18-2 and W18-3. If you could, please, sir, take those out of
7 the plastic envelopes so that you can refer to them. First,
8 I'll ask you if you recognize those.

9 A. Yes, sir.

10 Q. And are those records that you provided from your
11 business?

12 A. Yes, sir.

13 Q. Okay. We would offer them at this time, your Honor.

14 MR. T. MILLS: No objection.

15 THE COURT: Received.

16 MR. CARRUTH: Thank you.

17 Q. (BY MR. CARRUTH) Let's begin with the first one, sir, if
18 you could tell us the exhibit number on the little yellow
19 sticker.

20 A. W18-1.

21 Q. And does that reflect the rental of a van by your agency?

22 A. Yes, sir.

23 Q. And what was the date of the rental?

24 A. It was August 26th, 1995.

25 Q. And what type of vehicle was involved in the rental?

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U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS (AUSTIN)*

Cox - Direct

1 A. It's a Ford Windstar, which is a minivan, 1995.

2 Q. And to whom was that van rented?

3 A. Gary Karr.

4 Q. And is an address for Mr. Karr shown on the rental
5 records?

6 A. Yes, sir.

7 Q. And what is that address?

8 A. 5207 Turquoise Lane in New Port, Florida.

9 Q. And is there a phone number shown on the records?

10 A. Yes, sir.

11 Q. And what phone number is that?

12 A. 813-848-3285.

13 Q. And was there any -- when you rent a van like that to
14 someone from out of state, do you require a local phone number
15 if they're staying in --

16 A. Yes, sir.

17 Q. And was that done in this case?

18 A. Yes, sir, it was.

19 Q. And what phone number is on that rental car, local phone
20 number?

21 A. Area code 512-459-4640.

22 Q. And is there a name of anybody at that phone number?

23 A. No.

24 Q. Okay. And when was that? You say the van was rented on
25 August the 26th?

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WESTERN DISTRICT OF TEXAS (AUSTIN)*

Cox - Direct

1 A. Yes, sir.

2 Q. And what does the date show that it was returned on your
3 records?

4 A. August 28th, 1995.

5 Q. And during that two-day rental period, how many miles
6 accrued on the van according to the odometer reading?

7 A. 247 miles that were driven. Do you want me to tell you
8 when it was rented, miles out?

9 Q. Yes, sir.

10 A. Miles out were 20,712, miles in were 20,959.

11 Q. For a total of?

12 A. 247 miles.

13 Q. Okay. Let's go to the next exhibit, sir, the second van.
14 Do you have it?

15 A. Yes, sir.

16 Q. Please tell us the exhibit number.

17 A. W18-2.

18 Q. Okay. And does that, likewise, reflect the rental of a
19 van?

20 A. Yes, sir.

21 Q. Is that the same or different from the first van?

22 A. It is a different van and different model and different
23 van.

24 Q. What type of van is it?

25 A. It is a cargo van, Ford cargo van.

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WESTERN DISTRICT OF TEXAS (AUSTIN)

Cox - Direct

1 Q. And can you look at the photograph to your immediate left
2 and tell the jury members which one of the vans you're talking
3 about depicted by the license number?

4 A. It would be the lower van here.

5 Q. The lower van that we're looking at the rear of?

6 A. Yes, sir.

7 Q. Okay. And by whom was that van rented?

8 A. Gary Karr.

9 Q. And does he show the same address in Florida as on the
10 other rental documents?

11 A. Yes, same -- yeah, the same -- yes, sir, the same address.

12 Q. Okay.

13 A. There's a little different city, one says New Port, the
14 other one says New Port Richey, so obviously, they may have --

15 Q. Okay. And what was the date of the rental of the second
16 van?

17 A. September 27th, 1995.

18 Q. And when was that van returned?

19 A. September 30th, 1995.

20 Q. And does it have that same local phone number on there
21 that you gave us previously, 459-4640, for contact?

22 A. No, it does not.

23 Q. Okay. And can you tell how many miles that van was driven
24 when it was returned?

25 A. It was driven 381 miles.

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U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS (AUSTIN)

Cox - Direct

1 Q. I want to show you what's previously been introduced into
2 evidence as W86-2, part 1, purports to be a map. Are you
3 familiar with the Austin Central and West Texas?

4 A. Somewhat, not very.

5 Q. You ever heard of a place called Camp Wood?

6 A. No, I have not.

7 Q. Okay. If I told you that the mileage from Austin to Camp
8 Wood, going the yellow route here, was one way 187 miles, a
9 round trip of 374 miles, would that be consistent with the
10 rental van mileage that you just talked about, 381 miles?

11 A. Yes, sir.

12 Q. And if you want a shorter route through Henry, indicated
13 by the orange route, down through Vanderpool and Leakey,
14 through Camp Wood, according to the official road map, that
15 would be 178.5 miles, one way, or 357 mile round trip. That
16 would, likewise, be consistent in miles, would it not?

17 A. Yes, sir.

18 Q. By the way, sir, do your records reflect whether a credit
19 card was used to rent these vans, or how were they paid for?

20 A. We require a credit card to rent a van.

21 Q. Okay.

22 A. But these, I believe all three of them -- and yes, all
23 three of them were paid with cash.

24 Q. Paid with cash. And what was the amount of the rental
25 charge for the first van?

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Cox - Direct

1 A. The first van was \$159.50. The second van --

2 Q. Do you --

3 A. -- the second was \$218.59.

4 Q. Okay. You were going to tell us about the third van,
5 right?

6 A. Sure.

7 Q. Go ahead and give us a sticker number, please.

8 A. It's KR8057 -- I'm sorry. I'm thinking license. Exhibit
9 is W18-3.

10 Q. And is that van depicted in one of the photographs to your
11 immediate left, sir?

12 A. It is the middle picture.

13 Q. And is it, likewise, a cargo van?

14 A. Yes, sir.

15 Q. 1995 Ford cargo van?

16 A. Yes, sir.

17 Q. Okay. And I believe you stated it, but if you didn't, the
18 second van was also a 1995 Ford cargo van?

19 A. That is correct, yes, it is.

20 Q. Unlike the first van, which is a mini-van, passenger van,
21 correct?

22 A. That is correct.

23 Q. Now, please tell us the information on the third van, sir.

24 A. Third van was rented October the 2nd, 1995. It was
25 returned October the 3rd, 1995.

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Cox - Direct

1 Q. Okay.

2 A. And it was driven a total of 215 miles.

3 Q. Okay. Who was that third van rented by?

4 A. Gary Karr.

5 Q. The same individual that rented the previous two?

6 A. Yes, sir.

7 Q. And was it, likewise, paid for in cash?

8 A. Yes, sir.

9 Q. And what was the amount of that?

10 A. \$137.28.

11 Q. Okay. Now, do your records also reflect the times of day
12 or that these vans were rented and the times they were turned
13 in?

14 A. Yes, sir.

15 Q. Okay. Can you go back to the first van and tell us when
16 on the 26th it was rented, what time of day?

17 A. It was rented at 14:11, which, I believe, is 2:11 p.m.,
18 and it was returned at on the 28th, two days later, at 15:00,
19 which is 3:00 p.m.

20 Q. 3:00 p.m. Okay. Now, the second van was rented on
21 September 27th, 1995, at what time?

22 A. At 17:00, which is 5:00 p.m.

23 Q. Okay.

24 A. And returned three days later, on the 30th at 11:41 a.m.

25 Q. Okay. And the third van, rented on October the 2nd, at

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Cox - Direct

1 what time?

2 A. At 10:15 a.m.

3 Q. And returned on the 3rd at what time?

4 A. 18:12, which is 6:12 p.m.

5 Q. 6:12. Now, when the customer returns a van, do they
6 normally write down the mileage, or do you have an employee
7 that normally independently checks that, or how is that
8 handled?

9 A. Employee that checks it because we also search for damage
10 through the ran.

11 Q. And how late does your establishment stay open or did it
12 stay open in 1995 in the evening?

13 A. 7:00 p.m.

14 Q. And so this last van was returned after 6:00 p.m?

15 A. That's correct.

16 Q. Now, can you tell me when that van was next rented out by
17 your agency based on the records you brought?

18 A. It was rented out on the 6th, three days later.

19 Q. Okay. And when that van was rented out on the 6th, what
20 was the starting mileage?

21 A. Starting mileage was 18913.

22 Q. Okay. And what do you show the mileage to have been when
23 it was turned in on October the 3rd?

24 A. 18709.

25 Q. Now, that's a discrepancy of over 200 miles; isn't it?

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Cox - Direct

1 A. Yes, sir.

2 Q. And you searched your records and contacted your
3 headquarters in an attempt to try to find an explanation for
4 that, right?

5 A. Yes, I have.

6 Q. And there were no rentals in between Mr. Karr returning
7 the van on October the 3rd and the next time the van went out
8 on October the 6th?

9 A. No, sir.

10 Q. Is it possible that someone made an error in your records
11 in recording the odometer mileage on the van?

12 A. Yes, sir.

13 Q. And if you add that additional mileage, the discrepancy
14 shown by the odometer to the 215 miles that you originally
15 showed on the third van, what would be the total miles that
16 van was driven assuming it was a mileage odometer error or
17 mileage was recorded in error?

18 A. The discrepancy is 204 miles and the van was driven 215,
19 so it would be 419 miles.

20 Q. And you live in the Dallas/Fort Worth area?

21 A. Yes, sir.

22 Q. Would that be consistent with a round trip between Austin
23 and the Dallas/Fort Worth area?

24 A. Yes, sir.

25 Q. And those vans depicted up there are white; is that

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Cox - Cross

1 correct?

2 A. Yes, sir.

3 Q. Thank you. Pass the witness.

4 CROSS-EXAMINATION

5 BY MR. T. MILLS:

6 Q. Are all of the vans that your company -- all the passenger
7 vans that your company rents white?

8 A. Passenger vans? No, they're not all white.

9 Q. Okay. What color was the passenger van that was rented on
10 August the 26th, 1995?

11 A. August the 26th?

12 Q. Yes.

13 A. I would not have that information.

14 Q. Does any record in your company at all show that
15 information?

16 A. Yes, if I found the -- in our computer system, I could
17 find out what color that is in the fleet.

18 Q. All right. Does -- and your computer system is in Dallas
19 -- no. It's in --

20 A. We are centralized in Dallas.

21 Q. Is that where you'd have to --

22 A. Yes, sir.

23 Q. -- either do it or have someone do it?

24 A. Yes, sir.

25 Q. All right. But you could do it by phone call?

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U.S. DISTRICT COURT
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Cox - Cross

1 A. Yes, sir, I could.

2 Q. Now, it's my understanding that in 1995, your company had
3 an absolute rule that you had to have a credit card to rent a
4 van?

5 A. Yes, sir, that is correct.

6 Q. And Mr. Karr showed a credit card that was recorded in
7 your records on each of these three occasions, didn't he?

8 A. Yes, sir.

9 Q. Now, let me ask you about this third trip. Your records
10 show that the van went 215 miles, doesn't it?

11 A. Yes, sir.

12 Q. And your company stayed open until 7:00 p.m., didn't it?

13 A. Yes, sir.

14 Q. And it was turned in before 7:00 p.m., wasn't it?

15 A. Yes, sir.

16 Q. Do you have any reason to think that that 215 miles is
17 wrong?

18 A. I have no reason, no.

19 Q. All right. The fact that somebody else rented it four
20 days later and there were 204 miles --

21 MR. CARRUTH: Excuse me, your Honor. I object to the
22 four days later. I believe he testified it was a shorter
23 duration, was it not?

24 MR. T. MILLS: Well, October 6th through October 3rd,
25 three days later. I stand corrected.

LILY I. REZNIK
U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS (AUSTIN)

Cox - Cross

1 Q. (BY MR. T. MILLS) Three days later, somebody rented it,
2 showing a beginning mile of 204 extra, right?

3 A. Yes, sir.

4 Q. Well, isn't it just as possible as anything else that that
5 -- if something was recorded incorrectly, that that was
6 recorded incorrectly?

7 A. Yes, sir.

8 Q. Is it possible that an employee put 204 miles on it doing
9 company business?

10 A. Yes, sir.

11 Q. All right. I don't have any further questions, but I
12 would like to ask that he not be released until he can make
13 the call to find out the color of the computer -- of the first
14 van.

15 MR. CARRUTH: I have no objection to that. No further
16 questions.

17 THE COURT: Okay. You need to make that call. And if
18 you will be back here at 1:30.

19 THE WITNESS: 1:30? Do I just leave this here?

20 THE COURT: Call your next witness.

21 MR. D. MILLS: Dorris Alexander.

22 THE COURT: This is Mrs. Sims. She's going to
23 administer an oath to you.

24 (Witness was sworn.)

25 THE COURT: If you would walk around up here to this

LILY I. REZNIK
U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS (AUSTIN)

Alexander - Direct

1 column and have a seat in the witness chair. I need for you
2 to tell me your full name, please, ma'am, and spell your last
3 name.

4 THE WITNESS: Dorris Alexander, A-L-E-X-A-N-D-E-R.

5 THE COURT: Proceed.

6 DORRIS ALEXANDER, called by the Government, duly sworn.

7 DIRECT EXAMINATION

8 BY MR. D. MILLS:

9 Q. Tell the jury where you live and how you're employed,
10 please, ma'am.

11 A. Right now, I live at 1300 Pancho in Lockhart, Texas, and
12 I'm employed at 221 Truck Stop.

13 Q. Back in 1995, where were you employed?

14 A. The Interstate Inn in Buda, Texas.

15 Q. And what capacity did you serve there?

16 A. Manager.

17 Q. And you previously testified in a case where I was a
18 prosecutor, have you not?

19 A. Yes.

20 Q. So we've met each other on another occasion?

21 A. Yes.

22 Q. But we hadn't met each other until right now relative to
23 this matter, correct?

24 A. Yes.

25 Q. I'm going to show you what's been marked for

Alexander - Direct

1 identification purposes as Government's W24-1, and ask if you
2 can look at those and identify those as business records of
3 the hotel where you were employed in 1995.

4 A. Yes, they are.

5 Q. We'd offer W24-1, your Honor.

6 MS. WILLIAMS: No objection.

7 THE COURT: Received.

8 Q. (BY MR. D. MILLS) Can you take that out of the envelope,
9 please, and tell the jury what those documents are, who signed
10 them, and what dates are indicated for use of the rooms at
11 that hotel where you were the manager?

12 A. These are receipts. The first one, the date is coming in
13 8-25, checking out 8-27, and it's Daniel Waters. The second
14 one is 8-28, checking out 8-29, and it's -- I'm sorry, it
15 looks like David Waters.

16 Q. Okay. They appear to be the same signature?

17 A. Yes, uh-huh.

18 Q. That was in 1995; is that correct?

19 A. Yes.

20 Q. All right. Now, I'd ask you if you could identify what's
21 been marked for identification purposes Government's W24-2.

22 A. This is the --

23 Q. Do you recognize what that is?

24 A. Yes, it's the Interstate Inn.

25 Q. Do you recognize all the photograph, the phones and things

Alexander - Direct

1 on there?

2 A. Yes.

3 Q. And this accurately depicts the hotel as it existed in
4 September and October and August of 1995; is that correct?

5 A. Yes.

6 Q. We'd offer W24-2, your Honor.

7 MS. WILLIAMS: No objection.

8 THE COURT: It's received.

9 Q. (BY MR. D. MILLS) And would you tell the jury what this is
10 a figure of? Can you see it from right there?

11 A. Yes. This is the front of the Interstate Inn. This is
12 also a front and side of Interstate Inn. This appears to be
13 an upstairs room.

14 Q. Okay. And these telephones are the phones -- pay phones
15 that are on the premises?

16 A. Yes, sir.

17 Q. And this is located on Interstate Highway 35, south of
18 Austin; is that correct?

19 A. Yes, it is.

20 Q. And do you, by chance, know what a mile marker is on the
21 highway, the interstate highway system?

22 A. 221.

23 Q. Okay. This is by mile marker 221; is that correct?

24 A. Yes.

25 Q. Okay. Pass the witness, your Honor.

LILY I. REZNIK
U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS (AUSTIN)

Alexander - Cross

CROSS-EXAMINATION

2 | BY MS. WILLIAMS:

3 Q. Ms. Alexander, how did the United States Attorney's Office
4 get these records from you?

5 A. They came in and asked for the records, and we went and
6 searched for them.

7 Q. What records did they ask for?

8 A. They asked for specific dates.

9 Q. And on those specific dates, what specifically did they
10 ask for, do you remember?

11 A. They asked to look through at that particular time.

12 | That's all.

13 Q. And did you allow them to look through all of the records
14 for the dates they asked for?

15 A. Yes.

16 Q. Do you know what names they looked for?

17 A. At that time, no.

18 Q. Did they talk to you about the name David Waters?

19 A. No.

20 Q. They didn't talk to you about the name Gary Karr?

21 A. No.

22 Q. They just looked through all of the records and you don't
23 know whether they looked for specific names, and the only
24 thing they made a copy of was this record on David Waters?

25 A. It was after they found those particular documents is when

Alexander - Cross

1 I realized what they were looking for. But before that, no.

2 Q. All right. I just want to make sure I'm clear. They came
3 in and they asked to look through these specific dates?

4 A. Uh-huh.

5 Q. And you pulled those records?

6 A. Yes.

7 Q. Were they in a file cabinet?

8 A. They were boxed away.

9 Q. How many boxes of records did you give to -- was it Mr.
10 Martin that came? Mr. Ed Martin right here?

11 A. I guess so. I don't remember.

12 Q. How many boxes of records did you pull?

13 A. We had a roomful of records. So we had a roomful of
14 boxes. So they went and looked through until they found the
15 date they were looking for.

16 Q. Do you know how many records there were for those
17 particular dates?

18 A. The box held about two months.

19 Q. About two months of records?

20 A. Yes.

21 Q. How many rooms are in your hotel?

22 A. There were 44.

23 Q. There are 44 rooms?

24 A. Uh-huh.

25 Q. All right. So for three nights, there could be

Alexander - Redirect

1 potentially hundreds of records?

2 A. Uh-huh.

3 Q. And you don't know whether they looked for the name Mary
4 Jane O'Connor?

5 A. No.

6 Q. You don't know whether they looked for the name Patrick
7 O'Connor?

8 A. No.

9 Q. You don't know whether they looked for the name Madalyn
10 Maze?

11 A. No.

12 Q. You don't know whether they looked for the name Conrad
13 Johnson?

14 A. No.

15 Q. Or Jon Murray?

16 A. No.

17 Q. Or Madalyn Bible?

18 A. No.

19 Q. Thank you, ma'am. I don't have any further questions.

20 RE-DIRECT EXAMINATION

21 BY MR. D. MILLS:

22 Q. Could you look on those hotel receipts again and tell the
23 jury how many people were registered in staying in that room
24 on those two occasions?

25 A. Two on each day.

Thomison - Direct

1 Q. And do you know how the room was paid for? Credit card?
2 Cash? Or what?

3 A. Cash.

4 Q. On both instances?

5 A. Yes.

6 Q. Thank you.

7 THE COURT: Any further questions?

8 MS. WILLIAMS: Nothing further, your Honor.

9 THE COURT: May this witness be excused?

10 MR. D. MILLS: Yes, your Honor.

11 THE COURT: You may be excused, ma'am. Call your next
12 witness.

13 MR. CARRUTH: Diane Scott Thomison, your Honor.
14 Thomison.

15 THE COURT: If you'll stand there, please, ma'am.
16 (Witness was sworn.)

17 THE COURT: If you'll follow the Security Officer.
18 State your full name, and spell your last name, please.

19 THE WITNESS: My full name is Diane Scott Greenhill
20 Thomison, T-H-O-M-I-S-O-N.

21 DIANE SCOTT THOMISON, called by the Government, duly sworn.

DIRECT EXAMINATION

22 BY MR. CARRUTH:

23 Q. And you go by Scott Thomison?

24 A. Yes, I do.

LILY I. REZNIK
U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS (AUSTIN)

Thomison - Direct

1 Q. How are you employed?

2 A. I manage a Public Storage facility at 8128 North Lamar
3 Boulevard.

4 Q. I show you what's been previously introduced into evidence
5 as W55-4, and ask you if you recognize that as the facility in
6 which you were a manager?

7 A. Yes, that is it.

8 THE COURT: What is the number again?

9 MR. CARRUTH: W55-4. It's already been admitted, your
10 Honor.

11 Q. (BY MR. CARRUTH) Approximately how many units do you have
12 available at that place?

13 A. Approximately 445.

14 Q. And do they come in different sizes?

15 A. Yes, sir, they do.

16 Q. How many different sizes do you have available?

17 A. Six.

18 Q. And can you give us an approximate idea of how they range
19 in size?

20 A. Dimensions of the interior of the storage units from units
21 of five-by-five up to ten-by-thirty.

22 Q. And can you tell by looking at the photograph depicted
23 there on the door at the bottom what size unit that would be,
24 if you know?

25 A. Unit No. 52 listed here, I believe that to be in Building

LILY I. REZNIK
U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS (AUSTIN)

Thomison - Direct

1 F. That happens to be a 10-by-15-foot space. I know that
2 from looking at the picture, I would not be able to tell that
3 did I not know it.

4 Q. Okay. I want to show you what's been marked for
5 identification purposes as Government Exhibit W55-1, and I'll
6 ask you if that's a rental agreement from Public Storage that
7 you recognize?

8 A. Yes, sir, it.

9 Q. And did you provide those records to the investigators in
10 connection with this case?

11 A. Yes, sir, I did.

12 Q. Would you please take that out of the envelope -- first,
13 we would offer Government Exhibit 55-1, your Honor.

14 MR. T. MILLS: No objection.

15 THE COURT: Received.

16 Q. (BY MR. CARRUTH) Would you take that out of the envelope,
17 please, ma'am, and look at it, make sure everything is there?

18 A. Yes, sir, it seems to be in order.

19 Q. All right. What is the date of that rental agreement?

20 A. September 26th, 1995.

21 Q. And what is the name of the customer who rented that unit?

22 A. Gerald L. Osborne.

23 Q. And does it show here the dimensions of the unit?

24 A. Yes, sir, its size is it's 10-by-15.

25 Q. And for how long a period of time did Mr. Osborne rent

Thomison - Direct

1 that unit on September 26th, 1995?

2 A. From that date until October 31st, 1995.

3 Q. Okay. And I believe there was a refund check issued.

4 Does that mean that he returned it before the rental was up?

5 A. This is a month-to-month contract. The refund suggests to
6 me that he had paid well in advance, and he had some number of
7 whole months for which he had paid that were being refunded to
8 him.

9 Q. And he had paid in advance. Can you tell the method of
10 payment? Was it credit card? Cash? Check or what?

11 A. I believe it was cash from looking at these journal
12 records.

13 Q. And how much cash did Mr. Osborne pay to rent that storage
14 unit initially?

15 A. \$282.

16 Q. Okay. And you said there was a re --

17 A. May I amend that?

18 Q. Yes.

19 A. It was 272.

20 Q. Okay. And how much of that 272 was refunded to Mr.
21 Osborne?

22 A. \$172.

23 Q. And how was that refund paid, if you know, ma'am?

24 A. I believe it would have been a check.

25 Q. And to whom would that check have been sent or to what

Thomison - Direct

1 address would that check have been sent?

2 A. The check was addressed to Mr. Gerald L. Osborne. It was
3 sent to Route 1, Box 981-A 7, West Tawakoni, Texas, 75474.

4 Q. Okay. Do you know where Tawakoni is?

5 A. No, sir, I do not.

6 Q. Okay. Now, I'll ask you to look at the front of this and
7 tell me whether or not that's the same address Mr. Osborne
8 gave to you when he initially rented the storage unit on
9 September the 26th.

10 A. No, sir, it is not.

11 Q. What address give did he provide when he rented the unit?

12 A. 5637 Puerta Viallarta, North Richard Hills, Texas, 76180.

13 Q. Could that be Richland?

14 A. Yes, it is, I'm sorry.

15 Q. Now, in addition to Mr. Osborne, are tenants required to
16 provide their own locking system for these units?

17 A. Yes, sir.

18 Q. Or do they have a self-contained lock?

19 A. They provide their own locks.

20 Q. And did Mr. Osborne secure a lock for this storage unit?

21 A. I assume so. It is contrary to every company policy I
22 know.

23 Q. I guess my question is, would he have purchased that lock
24 from you, or are customers required to provide their own
25 locks?

Thomison - Direct

1 A. They are required to provide their own locks. They may
2 purchase locks from Public Storage.

3 Q. You have locks available for sale or rental?

4 A. For sale, yes, sir.

5 Q. Okay. Can you tell by looking at these documents whether
6 anyone in addition to Mr. Gerald Osborne was authorized to
7 access that storage unit?

8 A. Yes, sir.

9 Q. And who would that be?

10 A. Dave Waters.

11 Q. And how do you know that, ma'am?

12 A. Mr. Waters is listed as an authorized for access on the
13 lease itself.

14 Q. And if someone were not listed as authorized access, how
15 would they be able to gain admission into this -- this is a
16 secure area in here, is it not?

17 A. Yes, sir. The tenant could give the party a key and a
18 code to enter the gate.

19 Q. Okay.

20 A. I suppose a person could tailgate in or out.

21 Q. Let's talk about that a minute. About tailgating, you
22 mean if you have a rental unit there and you know the code and
23 I don't, and I just get behind you and when the gate opens for
24 you, I follow in behind you; is that correct?

25 A. Yes, sir, that's correct.

Thomison - Direct

1 Q. Tailgating, is that what you call it?

2 A. Yes, sir.

3 Q. And does your agency maintain and did they maintain in
4 1995 records of entrance into and exit out of this secure area
5 that surrounded the storage units?

6 A. Yes, sir.

7 Q. And how are those records maintained? What type of system
8 do you have?

9 A. At that time, the gate system in place would record the
10 entry of a code, and it would record the entry of a code to
11 exit the gate.

12 Q. Okay.

13 A. It would record the time at which those were made.

14 Q. And are those records electronically maintained, I mean,
15 on a computer, or does somebody have to write it down
16 manually?

17 A. No, sir, to the extent that no human being's involved,
18 they are electronically maintained.

19 Q. Okay. Showing you now, ma'am, what's been marked for
20 identification as Government Exhibit W55-2, and I believe that
21 reflects the deposit -- or refunded or returned to Mr. Osborne
22 at that West Tawakoni address, correct?

23 A. Yes, sir, that would be the refunded rental amount.

24 Q. We would offer W55-2, your Honor.

25 MR. T. MILLS: No objection.

Thomison - Direct

1 MR. CARRUTH: And W55-1, if I have not previously done
2 so.

3 MR. T. MILLS: No objection.

4 THE COURT: Received.

5 Q. (BY MR. CARRUTH) Final exhibit I'd like for you to
6 identify, please, ma'am, is marked W55-3. Can you tell us
7 where you recognize those records?

8 A. This appears to be a cash journal from 1995, September
9 26th, and a bank deposit slip for that date.

10 Q. Okay. And can you look through these records and tell me
11 whether or not there are any records in here that would enable
12 you to determine when the unit was accessed?

13 A. Yes, sir. These tapes here are gate tapes.

14 Q. Okay.

15 A. If you were to look at the tape, you would find the unit
16 -- the code associated with the unit. For instance, in this
17 case, C12 would be entered on the left side of the tape, above
18 which is according to military time, the hour and minute at
19 which that code was entered into the gate --

20 Q. Okay.

21 A. -- to see when a -- a code was used to exit the gate, you
22 would look on the right side of the gate and again, the time
23 would be --

24 Q. Are those codes punched in manually?

25 A. Yes, sir.

Thomison - Cross

1 Q. At the entrance?

2 A. Yes, sir.

3 Q. And I believe you stated earlier from the photograph you
4 identified that just so that the records reflect, what storage
5 unit number are we talking about having been represented by
6 Mr. Osborne?

7 A. That storage number would be F052.

8 Q. F052 as depicted in the photograph?

9 A. Yes, sir.

10 Q. And at this time, I would like to offer Government Exhibit
11 W55-3.

12 MR. T. MILLS: No objection.

13 MR. CARRUTH: And we'd pass the witness, your Honor.

14 THE COURT: It's received.

15 CROSS-EXAMINATION

16 BY MR. T. MILLS:

17 Q. Ms. Thomison, I'm not familiar with the policy at this
18 particular Public Storage, but because of possible damage to
19 automobiles trying to zip in behind somebody that tailgating
20 is not encouraged, is it?

21 A. No, it certainly is not.

22 Q. It's officially prohibited?

23 A. That's correct. And the lecture ensues when I catch
24 people.

25 Q. And the reason is because the gates close automatically,

Thomison - Cross

1 and that second car can get dinged up?

2 A. Yes, sir, that and the gate can get dinged up.

3 Q. All right. Mess up the motor of the gate closing?

4 A. Yes, sir.

5 Q. All right. On the document where it showed that there was
6 an authorized access for Dave Waters, you do not see the name
7 Gary Karr, K-A-R-R, on that document, do you?

8 A. No, sir.

9 Q. All right. Let me show you a couple of photographs that
10 I've got marked as Defendant's Exhibit 7 and 8. I'll show
11 them to you first. If you look close enough, can you see that
12 number?

13 A. Yes, sir.

14 Q. And that number would apply to that, wouldn't it?

15 A. That's correct.

16 Q. And then, isn't it correct that immediately behind it is
17 this road?

18 A. Yes, sir.

19 Q. All right. So this number would be immediately behind
20 that?

21 A. I believe that's correct.

22 Q. We would offer Defendant's Exhibits No. 7 and 8.

23 MR. CARRUTH: No objection, your Honor.

24 THE COURT: Received.

25 Q. (BY MR. T. MILLS) The door that I have my finger on is

LILY I. REZNIK
U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS (AUSTIN)

Thomison - Cross

1 number -- Unit No. 52, correct?

2 A. That's correct.

3 Q. And that's the same thing as F052?

4 A. Correct.

5 Q. All right. And it is the fourth in that row of door -- of
6 storage?

7 A. Yes, sir.

8 Q. All right. And it is part of a building to where
9 immediately behind No. 52, there is another storage shed,
10 correct?

11 A. That's correct.

12 Q. And it would be the fourth one in, and that is No. 4,
13 correct?

14 A. Yes, sir.

15 Q. All right. And then, 53 is next to 52 and 51 further down
16 than 4, correct?

17 A. Yes, sir, I believe that's correct.

18 Q. All right. It goes 1, 2, 3, 4 and 5.

19 A. Yes, sir, my only question is I'm just trying to recall
20 whether the numbers go up or down. So this would be No. 53
21 right here, and 53 would correspond with No. 3 on the other
22 side.

23 Q. All right.

24 A. I think I'm correct. Let me just make sure.

25 Q. I don't have a magnifying glass. It appears that this is

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U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS (AUSTIN)

Thomison - Redirect

1 1, 2, 3, 4, 5.

2 A. Yes, sir, it's unit 52 and then, 53.

3 Q. All right.

4 A. So, in effect --

5 Q. This would be 51?

6 A. Correct.

7 Q. All right. The floor of the Unit 52 in 1995 was made of
8 concrete, wasn't it?

9 A. That's my understanding.

10 Q. That's what it is now?

11 A. Yes, sir.

12 Q. And, likewise, it's your understanding that the floors of
13 units immediately behind and to the sides of 52 were made of
14 concrete in 1995?

15 A. That's correct.

16 Q. In 1995, was there any kind of surveillance security
17 camera, like a video camera, that existed as part of the
18 security system there?

19 A. Not to my knowledge, however, in 1995, I did not know
20 about the property itself.

21 Q. That's all the questions that I have.

22 RE-DIRECT EXAMINATION

23 BY MR. CARRUTH:

24 Q. Ms. Thomison, Mr. Mills asked you about the floor of the
25 units, I believe you testified a concrete floor.

Thomison - Redirect

1 A. Yes, sir.

2 Q. What type of siding did they have separating the units?

3 A. It is corrugated metal siding that separates the units and
4 forms three sides of each storage unit. The fourth side of
5 the building in question would be the rolled door of each
6 storage unit.

7 Q. Do you know what a piece of angle iron is?

8 A. Yes, sir.

9 Q. Is there a piece of angle iron in any of these units,
10 particularly the one you just referred to identified in the
11 photograph?

12 A. Yes, sir, it would be angle iron in each unit, and I do
13 know that there was angle iron in F52.

14 Q. And that angle iron runs along the baseboard or the floor
15 of the unit to hold up the corrugated metal siding, does it
16 not?

17 A. Yes, sir, that is correct.

18 Q. And inside the unit, against one wall is a piece of angle
19 iron, and on the other side, it's in the next unit?

20 A. Correct, sir.

21 Q. So that each unit has within its contents only one piece
22 of angle iron on one side; is that correct?

23 A. Yes, sir, I believe that's correct.

24 Q. And during the investigation of this case, were you
25 present and did you consent to the removal of a piece of angle

Thomison - Redirect

1 iron from that unit that Mr. Osborne rented back in 1995 --

2 A. Yes, I did.

3 Q. -- for certain examination?

4 A. Yes, sir, I did.

5 Q. And, of course, the investigators replaced that for you,
6 did they not --

7 A. Yes, they did.

8 Q. -- and took it with them?

9 A. Yes, sir.

10 Q. Now, when a person rents a storage unit from your
11 facility, are they required to tell you what type of contents
12 they intend to store there?

13 A. No, sir.

14 Q. Would it be common for you to inquire or for a customer to
15 say, "I want to rent this unit to store my furniture when I
16 move -- or my library" or something like that?

17 A. Yes, sir, that would be very common in assessing what size
18 unit would be best suited to the customer's need. Public
19 Storage employees frequently ask, "What are you going to be
20 storing?"

21 Q. And is there any concern by yourself or the members of
22 your staff about any hazardous materials being stored in those
23 units?

24 A. Yes, sir, it is prohibited in our leases.

25 Q. And do you frequently check or go around and check the

Thomison - Redirect

1 units for security purposes or to find out what's going on
2 with the tenants, or are the tenants pretty much keep to
3 themselves?

4 A. They keep to themselves. We do check the premises, at
5 least daily, to make sure that the units are locked. We check
6 to make certain -- sure certain stickers are on the units that
7 we put there as part of our security. But as to what goes on
8 within those units, we basically have no knowledge.

9 Q. And I believe you told counsel that you are unaware of any
10 surveillance cameras.

11 A. I don't believe there were any in place.

12 Q. Okay. And is this particular unit you described in the
13 photograph, is it concealed from view from the public street
14 or public road out there?

15 A. Yes, sir, I would say so.

16 Q. Okay. Now, let me ask you this: If a customer came in
17 and indicated to you that he needed a storage unit, say, that
18 size to store some household furniture and a short time later,
19 you observed some barrels in or near that unit, would that
20 cause you any concern?

21 MR. T. MILLS: Excuse me. Speculation, your Honor,
22 not based on any evidence of this witness.

23 MR. CARRUTH: It's not speculation. I'm just asking
24 her if -- she said already she was concerned about the storage
25 of hazardous materials. I could ask her how those are

Thomison - Recross

1 normally stored, but I think --

2 THE COURT: Objection's overruled. You may answer.

3 A. Yes, sir, if I saw something that made me apprehensive or
4 suspicious that something prohibited by the lease agreement
5 was being stored, I would certainly talk to the tenant.

6 Q. (BY MR. CARRUTH) Thank you, ma'am. Pass the witness.

7 RE-CROSS EXAMINATION

8 BY MR. T. MILLS:

9 Q. As part of the security concerns, isn't it a -- is it a
10 fact that there is good lighting there to make sure that not
11 only can the customers see in the driveways between the
12 storage units, but that management can see who's on the
13 property?

14 A. I would agree that there is good lighting, but the
15 arrangement of the buildings is such that absent going out on
16 the property, I cannot see what is happening on that property
17 from my office. I must physically inspect it.

18 Q. I understand. Do I understand that were you present when
19 law enforcement people removed the angle iron?

20 A. Yes, sir, I was.

21 Q. Did you actually get to watch it? I mean --

22 A. I did not watch the operation from start to finish. I do
23 think I saw a piece of angle iron come out of the unit.

24 Q. All right. About how many people associated with either
25 law enforcement officers or associated with law enforcement

Thomison - Recross

1 were there?

2 A. I'm not certain, but as my memory serves, I think it was
3 four or five.

4 Q. All right. And do you recall that there were photographs
5 taken of what they were doing?

6 A. Yes, sir, I do believe I saw photographs being taken.

7 Q. Do you remember how many people were actually involved in
8 picking up and holding the angle iron?

9 A. No, sir, I don't.

10 Q. All right. No further questions.

11 MR. CARRUTH: Nothing further, your Honor. May the
12 witness be excused?

13 MR. T. MILLS: I would like to make inquiry about
14 looking at pictures and, maybe, excuse subject to telephone
15 contact --

16 THE COURT: Well --

17 MR. T. MILLS: -- in case I want to call her back, ask
18 her about the photographs.

19 MR. CARRUTH: She's a local witness, so that shouldn't
20 be any problem, your Honor.

21 THE COURT: All right. All of that mumbo jumbo means
22 they may call you back.

23 THE WITNESS: Call me back to come back here, or call
24 me to look for the things they're looking for?

25 THE COURT: I do not forecast the future.

Cox - Recross

1 THE WITNESS: All right. Thank you, your Honor.

2 MR. CARRUTH: Your Honor, I'm informed Mr. David Cox
3 is ready to come back at the request of Mr. Mills. He asked
4 him to check on the information regarding that van.

5 THE COURT: Have Mr. Cox --

6 MR. CARRUTH: We'll recall him, if that's appropriate,
7 for Mr. Mills.

8 THE COURT: Mr. Cox, have a seat. Mr. Cox, you're
9 still under oath, sir. Do you understand that?

10 THE WITNESS: Yes, sir.

11 THE COURT: All right. Mr. Mills.

12 RE-CROSS EXAMINATION

13 BY MR. T. MILLS:

14 Q. Yes, sir. Did you find out about the color of one or more
15 -- I don't know what you did, but did you find out about any
16 colors?

17 A. Yes. I think the question was the passenger van. The
18 first one is a mini van, and it is teal.

19 Q. Teel.

20 A. Yes, sir.

21 Q. All right.

22 A. The cargo vans are all white.

23 Q. All right. Teel is, I guess, a shade of blue-green?

24 A. I would say -- yes.

25 Q. All right. That's all the questions that I have, your

Cox - Redirect

1 Honor. Thank you.

2 RE-DIRECT EXAMINATION

3 BY MR. CARRUTH:

4 Q. Just one brief thing. That Ford Windstar passenger van is
5 steel; it has seats for passengers?

6 A. Yes, sir.

7 Q. And approximately how many adults can comfortably sit in
8 it?

9 A. Seven.

10 Q. Seven. And the other two vans, the white cargo vans, no
11 seats in the back, are there?

12 A. No, sir, just the driver and passenger, two seats.

13 Q. The cargo area is completely open, so you could store
14 large objects or items in there?

15 A. Yes, sir.

16 Q. Thank you. Nothing further.

17 THE COURT: We may excuse the witness now. Members of
18 the jury, I'm going to give you a short break. You'll be able
19 to use the facilities, but then, come right back.

20 (Recess.)

21 MR. CARRUTH: United States calls Charlene Karr.

22 (Witness was sworn.)

23 THE COURT: You need to walk around and follow the
24 security officer. Have a seat in the chair. Tell us your
25 full name and spell your last, please.

LILY I. REZNIK
U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS (AUSTIN)

Karr - Direct

1 THE WITNESS: Charlene Ray Karr, K-A-R-R.

2 CHARLENE RAY KARR, called by the Government, duly sworn.

3 DIRECT EXAMINATION

4 BY MR. CARRUTH:

5 Q. Where do you live, ma'am?

6 A. New Port Richey, Florida.

7 Q. Are you acquainted with the defendant, Mr. Gary Paul Karr,
8 seated here behind me, with his lawyer?

9 A. Yes, I am.

10 Q. And how do you know Mr. Gary Paul Karr?

11 A. I was married to him at one time.

12 Q. And when did you and Mr. Karr marry each other?

13 A. In 1974.

14 Q. And when were you divorced from Mr. Karr?

15 A. I'm not real sure on the date. '76, '77.

16 Q. Okay. Did you and Mr. Karr have any daughters? Any
17 children together?

18 A. Yes, we did.

19 Q. And would you please identify them by name and gender and
20 age?

21 A. We had one daughter, named Crystal.

22 Q. Okay. And when was Crystal born?

23 A. September 30th, '74.

24 Q. Okay. And do you know where Crystal Karr resides today?

25 A. Yes, I do.

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U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS (AUSTIN)

Karr - Direct

1 Q. And where is that?

2 A. On Dunedin Beach in Florida.

3 Q. Okay. Where were you residing in 1995?

4 A. 4945 New England Boulevard, in the same place I live now.

5 Q. In New Port Richey, Florida?

6 A. New Port Richey.

7 Q. And that's on the Gulf Coast?

8 A. Right.

9 Q. The west side of Florida, correct? And is it a little bit
10 below Tampa?

11 A. It's about 25 miles from Tampa.

12 Q. Okay. And do you know where Naples, Florida is located?

13 A. It's about a three-hour drive.

14 Q. And that's further south along the coast?

15 A. Approximately.

16 Q. And if I told you that the Florida official highway map
17 shows it to be a distance of about 175 miles of the interstate
18 highway, would you agree with that?

19 A. That sounds about right.

20 Q. About a three-hour drive?

21 A. Uh-huh.

22 Q. Okay. Have you ever been to Naples, Florida?

23 A. Yes, I have.

24 Q. I want to direct your attention back to the spring of
25 1995, when your former husband, Mr. Karr, was released from

LILY I. REZNIK
U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS (AUSTIN)

Karr - Direct

1 incarceration. Do you remember that occasion?

2 A. When he was released?

3 Q. Yes, ma'am.

4 A. I would believe March of '95.

5 Q. Yes, ma'am. And did you have an occasion to see him
6 within the next couple of months during the spring of 1995,
7 following his return to the free world?

8 A. Yes, I did.

9 Q. And where and under what circumstances did you see the
10 defendant after he was released?

11 A. My first encounter of meeting Gary, I flew into Chicago
12 and had dinner with him and my former fiance at that time, and
13 we had dinner together.

14 Q. Okay. And did Mr. Karr, the defendant, have any siblings
15 who resided in the greater Chicago area in Illinois?

16 A. Yes, he has two brothers and a sister.

17 Q. Okay. And did you know these individuals?

18 A. Yes, I do.

19 Q. Okay. And what is his sister's name?

20 A. Gayle Sidney Karr.

21 Q. Gayle Sidney Karr?

22 A. Uh-huh.

23 Q. Does she usually go by Sidney?

24 A. She does now.

25 Q. Okay. How long a period of time have you known Ms. Gayle

Karr - Direct

1 Sydney Karr?

2 A. Close to 30 years.

3 Q. Is she younger or older than the defendant, to your
4 knowledge?

5 A. She is younger.

6 Q. Okay. When and where did you first meet Mr. Karr?

7 A. I believe I met him on a highway.

8 Q. You met him on the highway?

9 A. Uh-huh.

10 Q. Could you elaborate on that briefly?

11 A. We were cruising down on 47, and I thought he was a very
12 handsome man.

13 Q. Okay. And do you recall what year that may have been?

14 A. 1973.

15 Q. Okay. So y'all got acquainted and dated and later, got
16 married the next year, correct?

17 A. Uh-huh.

18 Q. When you went to Chicago in the spring of 1995 to have
19 dinner with Mr. Karr and your then fiance, you said?

20 A. Uh-huh.

21 Q. Did Mr. Karr discuss with you any plans he had to travel
22 to Texas or anywhere else?

23 A. Not at that time.

24 Q. Okay. When was the next time you saw Mr. Karr after that
25 occasion in Chicago?

Karr - Direct

1 A. I was coming home from work and he was waiting on my front
2 step.

3 Q. In New Port Richey, Florida?

4 A. In New Port Richey.

5 Q. And can you give us an approximate date of when that might
6 have been?

7 A. I'm not sure.

8 Q. Do you know where he was staying immediately after being
9 released from the penitentiary?

10 A. He was staying with a woman named Cookie.

11 Q. In Chicago?

12 A. Correct.

13 Q. Okay. And had he come to visit you?

14 A. Yes.

15 Q. That second time when you found him sitting on the steps
16 of your residence?

17 A. Uh-huh.

18 Q. And how did he arrive there, if you know?

19 A. I'm not sure.

20 Q. Was his sister, Gayle Sidney Karr, with him?

21 A. Not at that time.

22 Q. Did you see her any time during that visit?

23 A. No, I did not.

24 Q. Okay. So he just showed up without a vehicle?

25 A. Correct.

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WESTERN DISTRICT OF TEXAS (AUSTIN)

Karr - Direct

1 Q. And was sitting on your steps?

2 A. Uh-huh.

3 Q. And did he say why he was there?

4 A. To see me.

5 Q. Okay. And, also, to visit his daughter, Crystal; is that
6 correct?

7 A. Yes.

8 Q. During that meeting, did Mr. Karr indicate anything to you
9 about a possible trip to Texas?

10 A. I don't recall much about a trip at that time.

11 Q. Now, at that time, did you know a man named David Waters?

12 A. Not until later.

13 Q. Okay. When did you first meet David Waters?

14 A. In October of '95.

15 Q. And where did you meet Mr. David Waters?

16 A. I believe it was called the Four Seasons Hotel.

17 Q. And where is that hotel located, please, ma'am?

18 A. I believe it was here in Austin, Texas.

19 Q. Okay. I'm going to show you, ma'am, what's been marked
20 for identification purposes as Government's Exhibit W16-3, and
21 ask you if you recognize your initials and a date and time on
22 that photograph?

23 A. Yes, I do.

24 Q. And the man depicted in that photograph that you
25 identified, who is that man?

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U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS (AUSTIN)

Karr - Direct

1 A. David Waters.

2 Q. I offer Government's W16-3, your Honor.

3 MR. T. MILLS: We object on the grounds that it
4 appears to be a law enforcement photo line-up, and it seems
5 like it's interjecting the other individuals into this case.
6 There is a single picture of Mr. Waters, but we do object to
7 this photo line-up.

8 THE COURT: All right. I'll have counsel at the
9 bench.

10 (At the Bench, on the record.)

11 THE COURT: Your objection is because it's a blank,
12 and you don't have any idea what it --

13 MR. T. MILLS: I just never have seen somebody
14 identified by tossing in a line-up like this. I guess I don't
15 know who the other five people are connected to this case.

16 MR. CARRUTH: Not the same picture, but she initialed
17 that. We don't want to show a person one picture. That would
18 be as suggestive if we have them take out several pictures to
19 show that they, in fact, know that person.

20 THE COURT: Well, you can ask the questions without
21 admitting the documents. Just ask the questions of the
22 pictures, are they different.

23 MR. CARRUTH: That would be fine.

24 Q. (BY MR. CARRUTH) Ms. Karr, on this Exhibit W16-3, how many
25 photographs are depicted on that exhibit, ma'am?

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Karr - Direct

1 A. There are six here.

2 Q. Six photographs?

3 A. Uh-huh.

4 Q. And you identified the individual in the middle of the
5 lower --

6 A. Correct.

7 Q. -- three as Mr. David Waters?

8 A. Correct.

9 Q. And the officer showed that to you to see if you could
10 pick him out; is that correct?

11 A. Correct.

12 Q. Would you look and tell me whether or not Government's
13 Exhibit W11-1 appears to be the same photograph of the same
14 individual you identified there?

15 A. Yes, it does.

16 Q. And what date does that reflect you made your
17 identification and signed your initials?

18 A. February 18th of '99.

19 Q. Okay. Thank you. Now, what occasioned you to come to the
20 Four Seasons Hotel in Austin, Texas, in October of 1995, where
21 you met Mr. David Waters?

22 A. I came on the occasion because Gary Karr called me at my
23 home and asked me if I'd come to Texas to meet him.

24 Q. And did you know previously to that that he had been in
25 Texas?

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Karr - Direct

1 A. Yes, I did.

2 Q. For how long a time, to your knowledge, had he been in
3 Texas?

4 A. I'm not positive, but it was several days. It could have
5 been longer.

6 Q. Did you have any idea prior to his departure that he was
7 going to Texas?

8 A. Yes, I did.

9 Q. What did he tell you?

10 A. He told me he was going to leave for Texas.

11 Q. And did he say why?

12 A. He was going to go and play in a big card game.

13 Q. And did he mention the name David Waters?

14 A. He said he was going to go play cards with David Waters
15 because David Waters had the money to put up and Gary would
16 play the cards.

17 Q. Okay. Do you recall telling the investigators anything
18 about some prior letters between Mr. Karr and Mr. Waters?

19 A. Yes. David Waters wrote Gary letters while he was
20 incarcerated, stating that when he got out that they had a big
21 plan.

22 Q. A big plan. Did you ever have occasion to speak to Mr.
23 Waters on the telephone in 1995?

24 A. Numerous times.

25 Q. And would he be calling for Mr. Gary Karr or calling to

Karr - Direct

1 speak to you?

2 A. No. He was calling for Gary.

3 Q. During the time that Mr. Karr was in Texas with David
4 Waters, I presume, is that where he had understood to play in
5 the big card game?

6 A. Uh-huh.

7 Q. During that time frame, did he send or wire transfer you
8 any money?

9 A. Yes, he did.

10 Q. On more than one occasion?

11 A. Yes, he did.

12 Q. And can you tell us if you recall the approximate amounts
13 of funds that he wire transferred to you from Texas?

14 A. He sent one Western Union in the amount of \$2500.

15 Q. And did he give you an indication of what that money was
16 intended to be used for by you?

17 A. Money was sent to the girls in California.

18 Q. Is that Crystal?

19 A. His other daughter, Chrissie.

20 Q. Okay. Was that by a previous marriage?

21 A. By a previous woman.

22 Q. Okay. And was that the only wire transfer of funds you
23 received from Mr. Karr during the time that he was in Texas?

24 A. I received another one for about 1500.

25 Q. Okay. And what was that money for?

Karr - Direct

1 A. To send to Crystal, who was visiting Gary's daughter in
2 California.

3 Q. So you received a total of approximately \$4,000 in wire
4 transfers from him while he was in Texas, correct?

5 A. About.

6 Q. Now, was Mr. Karr employed, to your knowledge, during this
7 period of time?

8 A. While he was in Texas playing cards? No.

9 Q. Okay. Did he indicate to you the source of this \$4,000
10 that he wire transferred to you?

11 A. Could you repeat that?

12 Q. Did Mr. Karr indicate to you the source of this \$4,000
13 that he had wire transferred to you from Texas?

14 A. The source of the money was from a card game.

15 Q. That's what he told you?

16 A. Uh-huh.

17 Q. Okay. Did Mr. Karr ever give you any jewelry after his
18 visit to Texas?

19 A. He gave me a pocket watch and a ring.

20 Q. Show you what's been marked as Government's Exhibit 16-2.
21 Do you recognize that ring?

22 A. Uh-huh.

23 Q. Have you seen that before?

24 A. Uh-huh.

25 Q. Where did you get it?

Karr - Direct

1 A. From Gary.

2 Q. And was that after his trip to Texas?

3 A. Uh-huh.

4 Q. Offer Government's W16-2, your Honor.

5 MR. T. MILLS: No objection.

6 THE COURT: It's received.

7 Q. (BY MR. CARRUTH) Oh, would you describe that ring for the
8 record? It appears to be a dinner ring? Would that be
9 appropriate?

10 A. It looks like a cocktail ring.

11 Q. And what type of stones or setting does it have, if you
12 know?

13 A. They look like they could be garnets.

14 Q. And it's a gold --

15 A. With the gold band.

16 Q. Gold band. Okay. And are there also --

17 A. Two diamonds.

18 Q. -- diamonds in there?

19 A. Uh-huh.

20 Q. Do you have quite a bit of jewelry?

21 A. Huh-uh.

22 Q. Did you ever see Mr. Karr with any other types of jewelry
23 or watches when he returned from Texas?

24 A. Yes, I did.

25 Q. And can you tell us about those, please?

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WESTERN DISTRICT OF TEXAS (AUSTIN)

Karr - Direct

1 A. He showed me two ladies' Rolex watches and one gentlemen's
2 Rolex watch.

3 Q. And can you describe for the members of the jury, were
4 they gold, silver, what?

5 A. The ladies' were gold and silver.

6 Q. Okay.

7 A. And the gentlemen's was blue in face, like Presidential.

8 Q. As a Presidential Rolex? And did Mr. Karr ever tell you
9 what these watches were worth?

10 A. Well, he assumed that the value of the women's were around
11 \$3500.

12 Q. A piece?

13 A. Uh-huh.

14 Q. And how about the men's?

15 A. Anywhere between 7 and 9,000.

16 Q. Okay.

17 A. Maybe 11.

18 Q. And did he, in fact, now try to give you one of these
19 watches?

20 A. Yes, he did.

21 Q. Did you accept it from him?

22 A. No, I did not.

23 Q. Why not?

24 A. I didn't want it.

25 Q. Did you know where those watches came from?

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U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS (AUSTIN)*

Karr - Direct

1 A. Not at that time.

2 Q. Did he later tell you where the watches came from? He
3 being Mr. Karr, the defendant?

4 A. Later on he told me.

5 Q. What did he tell you?

6 A. That they were won in a card game, but they also came off
7 the bodies of the O'Hairs, the daughter and the son.

8 Q. Okay. To your knowledge, did Mr. Karr transport these
9 watches from Texas back to Florida and then, on to Chicago?

10 A. Yes.

11 Q. In fact, you were with him on that trip, were you not,
12 after the Four Seasons stay?

13 A. Yes.

14 Q. You flew out here to Austin?

15 A. Yes, I did.

16 Q. And who paid for your airline ticket?

17 A. Gary.

18 Q. And do you know how he paid for it?

19 A. I don't.

20 Q. And when you stayed at the Four Seasons that night, did
21 you have room service?

22 A. Yes, we did.

23 Q. Do you remember what you had?

24 A. I had lobster and capers and Melba toast.

25 Q. And what did Mr. Karr have?

Karr - Direct

1 A. I'm not real sure on that, but I think he had duck.

2 Q. Duck?

3 A. (Moving head up and down.)

4 Q. Did you have any wine or champagne delivered to your room

5 that night?

6 A. We had wine.

7 Q. Okay. And who paid for that overnight stay at the Four

8 Seasons Hotel?

9 A. Gary.

10 Q. And how did he pay for it?

11 A. I wasn't there to see.

12 Q. Okay. And later on, did you and he return to Florida

13 after your stay at the Four Seasons?

14 A. Yes, we did.

15 Q. And what mode of transportation did you use?

16 A. Gary had rented a car.

17 Q. Was it a full-size car?

18 A. It was a nice-sized car.

19 Q. And you drove a rental car back to your home in New Port

20 Richey, Florida?

21 A. Correct.

22 Q. Did you drive all the way through or did you spend the

23 night en route?

24 A. No. We drove all the way through except we stopped to

25 eat.

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U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS (AUSTIN)*

Karr - Direct

1 Q. Okay. And that's when Mr. Karr showed you three Rolex
2 watches?

3 A. No, he didn't show them to me.

4 Q. After you got back to Florida?

5 A. I'm not exactly sure when he showed them to me, but it was
6 later after that.

7 Q. Okay. And Mr. Karr tried to sell or dispose of any of
8 these watches?

9 A. Yes, he did.

10 Q. And can you tell us what happened to those watches if you
11 know?

12 A. I'm not sure where two of them went, but I know that he
13 did sell one to his sister, Sidney.

14 Q. Sidney Karr in Chicago?

15 A. Yes.

16 Q. How do you know that?

17 A. Because he told me.

18 Q. Do you know a man named Phil Sykes?

19 A. Yes, I do.

20 Q. Who is Mr. Sykes?

21 A. He is a parole officer in New Port Richey.

22 Q. And does he know Sidney Karr -- Gayle Sidney Karr?

23 A. Yes, he does.

24 Q. And has he seen her in possession of that watch?

25 A. Yes, he has.

Karr - Direct

1 Q. Did Mr. Karr ever say anything to you about some gold
2 coins?

3 A. No, he didn't.

4 Q. He never did?

5 A. No, he didn't.

6 Q. You don't recall telling me last night about some gold
7 coins that had been stolen?

8 A. He told me that he had put money into a storage unit.

9 Q. That he had?

10 A. Him and David.

11 Q. David Waters?

12 A. Uh-huh.

13 Q. Okay. And what had happened to those gold coins that he
14 and Mr. Waters put in a storage unit?

15 MR. T. MILLS: Objection. That was a misstatement of
16 her testimony. I don't think she used the word "gold coins."

17 Q. (BY MR. CARRUTH) Well, can we clarify this, Ms. Karr.
18 What are we talking about here that was put in a storage unit?

19 A. He put stones, gold coins and cash.

20 Q. In a storage unit?

21 A. In the storage unit.

22 Q. Do you know where that storage unit was located?

23 A. No, I don't.

24 Q. Was it in Texas somewhere?

25 A. Yes, it was.

Karr - Direct

1 Q. And did he say what happened to any of the property that
2 had been placed in the storage unit?

3 A. The place was robbed.

4 Q. So he didn't get any gold coins to take back to Florida
5 that you saw?

6 A. No.

7 Q. Now, after the two of you spent the night together at the
8 Four Seasons on that trip, did you have any contact with Patti
9 Jo Steffens and David Waters?

10 A. Not until the next morning.

11 Q. You didn't see them that evening?

12 A. No, I did not.

13 Q. Where did you see them the next morning?

14 A. In the lobby downstairs.

15 Q. And did y'all have Bloody Marys together?

16 A. Yes, we did.

17 Q. And is that the first time you had ever met or had any
18 contact with Patti Jo Steffens?

19 A. Yes.

20 Q. Did you have any contact with her subsequent to that trip
21 to Austin?

22 A. No, I didn't.

23 Q. You never saw her again?

24 A. Oh, yes.

25 Q. Well, tell us about the next time you saw Patti Jo

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U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS (AUSTIN)*

Karr - Direct

1 Steffens.

2 A. David and Patti took a trip to my house.

3 Q. And how long after the Four Seasons stay in Austin did
4 Patti Jo and David Waters come to your house?

5 A. It must have been -- I can't be sure, two weeks.

6 Q. And do you know what the purpose of their trip was?

7 A. To visit --

8 MR. T. MILLS: Objection. Speculation.

9 A. -- at that time.

10 Q. (BY MR. CARRUTH) If she knows.

11 A. It was for a visit at that time.

12 Q. Okay. During that trip, did Mr. Karr, the defendant, and
13 Mr. Waters ever leave for a period of several hours?

14 A. Yes, they did.

15 Q. And did you know where they had gone during that period of
16 time?

17 A. No, I do not.

18 Q. And I believe you said they were gone about six to eight
19 hours; is that correct?

20 A. That's correct.

21 Q. And it takes about three hours to drive from New Port
22 Richey down to Naples, Florida?

23 A. Correct.

24 Q. So six to eight hours would be consistent with a roundtrip
25 between New Port Richey and Naples, is it not?

Karr - Direct

1 A. Correct.

2 Q. Do you know why they were gone for that period of time?

3 A. I don't know.

4 Q. What did you do while they were gone? Were you working
5 during that time period?

6 A. I was working, and when I got off work, Patti and I went
7 across over by the Ramada and sat there for a couple of hours.

8 Q. Okay. Now, to your knowledge, after that visit by Patti
9 Jo Steffens and David Waters, did Mr. Gary Karr ever return to
10 Texas?

11 A. Yes, he did.

12 Q. How many times?

13 A. Several.

14 Q. Do you know what his purpose in returning to Texas may
15 have been?

16 A. The first few visits were he was going to go back to
17 finish the card games.

18 Q. To finish the card games?

19 A. Uh-huh.

20 Q. Okay. That's what he told you?

21 A. Uh-huh.

22 Q. Did he ever tell you anything about guarding anybody or
23 being a security guard or a bodyguard?

24 A. No.

25 Q. He never mentioned that to you?

Karr - Direct

1 A. No.

2 Q. Did you question him about this big card game in Texas?

3 A. I thought it was a pretty heavy card game.

4 Q. And did you have any reason to doubt the story that Mr.
5 Karr had told you?

6 A. At that time, no.

7 Q. Later, did you come to doubt it?

8 A. Yes.

9 Q. Why?

10 A. There was too much money, too much property --

11 Q. In addition to the --

12 A. -- to win in a card game like that.

13 Q. Okay. In addition to the Rolex watches and the other
14 jewelry that you've described, did Mr. Karr have any clothing
15 or any personal possessions when he returned from the trip to
16 Texas?

17 A. Yes, he did.

18 Q. Could you describe that for the members of the jury,
19 please?

20 A. He came home with several suits of Armanis, silk ties,
21 expensive socks, beautiful shirts, expensive shoes.

22 Q. And can you approximate --

23 A. Leather jacket.

24 Q. A leather jacket?

25 A. From what was in my house, he had to have over 15,000 --

Karr - Direct

1 Q. Over \$15,000 worth of clothing and shoes?

2 A. -- with the tax on.

3 Q. And do you have any idea how he was able to afford new
4 clothes if he had not been employed when he was in Texas?

5 A. From his card game.

6 Q. From the card game. Now, there was a period of time he
7 did some work for Art Miller in Florida, was there not?

8 A. Yes, there was.

9 Q. Before he went to Texas and after he got back; is that
10 correct?

11 A. After he got back from Texas.

12 Q. Okay. And was there a period of time when he moved -- was
13 he living with you during this time frame?

14 A. Yes.

15 Q. And was there a period of time when he moved out of your
16 residence and actually resided with Art Miller and his family?

17 A. Correct.

18 Q. And can you tell us why that occurred, if you know?

19 A. Because I thought it was best that Gary wasn't in my life
20 anymore, and it was time for him to leave.

21 Q. And was that when you figured out that there was something
22 wrong?

23 A. By the time he told me what was wrong.

24 Q. What did he tell you?

25 A. He told me that there was a card game and that there were

Karr - Direct

1 four other people that were playing, and David had taken three
2 of the people home and he had told Gary that three of the
3 people never made it home.

4 Q. And what did you interpret that to mean?

5 A. Well, he told me what it meant.

6 Q. What did Mr. Karr tell you it meant?

7 A. He told me that David had killed them.

8 Q. Okay. Did he say why David had killed the people?

9 A. No.

10 Q. What else did Mr. Karr tell you?

11 A. As far as what?

12 Q. About the -- what you now know to be it was not a card
13 game? Did he ever tell you about any threats against your own
14 life?

15 A. He has threatened me.

16 Q. What did he tell you?

17 A. He has threatened to kill me.

18 Q. Did he say why he was going to kill you --

19 MR. T. MILLS: Excuse me. I didn't hear the answer as
20 to who made a threat to kill her. I didn't hear her
21 testimony.

22 A. Gary Karr.

23 Q. (BY MR. CARRUTH) And was that after he told you what
24 happened in Texas?

25 A. Correct.

Karr - Direct

1 Q. And could you recall for us --

2 A. He told me that he hid behind -- in front of my house
3 behind a tree and waited for me to get home.

4 Q. And did he tell you whether there was anyone with him on
5 that occasion?

6 A. He said he was with -- with somebody. Whom somebody was,
7 I don't know.

8 Q. And why was he waiting behind the tree in front of your
9 home?

10 A. Because he wanted to kill me.

11 Q. Why did he want to kill you?

12 A. Because I knew what I knew.

13 Q. And is it at that time that you thought he should leave,
14 or had he already left the house?

15 A. He was already gone.

16 Q. Okay. What else did Mr. Karr tell you about the
17 connection, if any, between Mr. Waters and these folks in
18 Texas who were in the big card game and didn't make it home?

19 A. He didn't say too much. He told me that it was Madalyn
20 O'Hair --

21 Q. Excuse me just a minute. Get up closer to the microphone.

22 A. I'm sorry.

23 Q. Would you repeat your last answer, please?

24 A. He told me about Madalyn O'Hair, that she took the prayer
25 out of school, and David Waters hated her. And he told me

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WESTERN DISTRICT OF TEXAS (AUSTIN)

Karr - Direct

1 about the daughter and the son and that David disposed of
2 them.

3 Q. What else did he tell you?

4 A. He received the phone call from David to my house, and
5 David threatened him to go back to Texas and Gary went back to
6 Texas.

7 Q. Did he tell you why Mr. Waters wanted him to come back to
8 Texas?

9 A. He wanted him to help to rebury the bodies.

10 Q. Okay. Had Mr. Karr indicated to you or did he indicate
11 after that trip to Texas you've just described where the
12 bodies were buried?

13 A. He told me that the bodies were buried in a -- where they
14 were building new subdivisions, and it was a matter of time
15 before more subdivisions were going to be going up.

16 Q. And did Mr. Karr subsequently attempt to change your mind
17 about what he had told you where the bodies were buried?

18 A. Yes, he did.

19 Q. Please explain that for the jury.

20 A. We had a phone conversation, and I told Gary what he had
21 said to me, and Gary said it wasn't so. So we had words back
22 and forth because I felt that he was trying to make me feel
23 that I was imagining things that he was saying to me.

24 Q. Okay. Ms. Karr, I'm showing you what's been marked for
25 identification as Government Exhibit W16-1, and ask you if you

Karr - Direct

1 recognize that?

2 A. Yes.

3 Q. What is that exhibit, ma'am?

4 A. It's a tape of a phone conversation.

5 Q. Did you review that last night in my office and initial
6 it?

7 A. Yes, I did.

8 Q. Is that your initials "C.K." for Charlene Karr in there?

9 A. Yes, it is.

10 Q. Do you -- did you recognize the voices on this tape?

11 A. Yes, I did.

12 Q. And whose voices are on this tape?

13 A. Gary Karr's and myself.

14 Q. And did you call the investigators and report the
15 conversation with Gary Karr after it had been made --

16 A. Yes, I had.

17 Q. -- and recorded? We'd offer at this time Government's
18 Exhibit W16-1, your Honor.

19 MR. T. MILLS: I don't object to those portions that
20 are relevant to what this issue about trying to change her
21 mind, but I think that there are some -- a lot of extraneous
22 things on the tape that are on other subjects that I would
23 object to.

24 THE COURT: Members of the jury, that means you get an
25 early lunch. Please be ready to come back at 1:30. Follow

Karr - Direct

1 the instructions of the Court.

2 (Jury not present.)

3 THE COURT: How long does it last?

4 MR. CARRUTH: About ten minutes.

5 MR. T. MILLS: All right, Judge. I just had a
6 conversation with Mr. Carruth, and it doesn't contain some
7 issues that I thought it did. Apparently, there's several --

8 MR. CARRUTH: Doesn't mention Mr. Tom Mills.

9 MR. T. MILLS: And there is one that does, and I just
10 didn't want it brought up in front of the jury.

11 THE COURT: I'm going to play like I understand that,
12 but I do not. The net effect is you don't have any objection?

13 MR. T. MILLS: Correct.

14 THE COURT: All right. 1:30.

15 MR. CARRUTH: Is it admitted for the record?

16 THE COURT: It is admitted.

17 MR. CARRUTH: Thank you, your Honor.

18 (Lunch recess.)

19 THE COURT: Anything before we bring in the jury?

20 MR. CARRUTH: Nothing from the government, your Honor.

21 THE COURT: All right. Bring the jury in. Do you
22 wish the witness in the room?

23 MR. CARRUTH: Yes, we would like to have the witness,
24 Charlene Karr.

25 THE COURT: Bring Ms. Karr back in. You will be glad

LILY I. REZNIK
U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS (AUSTIN)

Karr - Direct

1 to know, ladies and gentlemen of the jury, that the government
2 of the United States through the General Service
3 Administration tells me that we have the same temperature in
4 the morning as we have in the afternoon in the courtroom. I
5 have encouraged them to come in and put their arms where their
6 mouth are.

7 But they are safe in their cubby hole about three or
8 four blocks down the street, but I believe it will get a
9 little warmer as the afternoon goes on. During the noon hour,
10 did anyone attempt to talk to any of you about this case?

11 THE JURORS: No.

12 THE COURT: Did you talk to anybody about this case?

13 THE JURORS: No.

14 THE COURT: Y'all are almost, almost ready for
15 professional choir. And have you learned anything at all
16 about this case outside the presence of each other and this
17 courtroom?

18 THE JURORS: No.

19 THE COURT: Show negative responses to all questions
20 by all the jurors. Ms. Karr, you are still under oath. You
21 may proceed.

22 Q. (BY MR. CARRUTH) Prior to the noon recess, the government
23 had offered Government Exhibit W16-1, and Ms. --

24 THE COURT: It's been admitted.

25 MR. CARRUTH: We'd request permission of the Court to

LILY I. REZNIK
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WESTERN DISTRICT OF TEXAS (AUSTIN)

Karr - Direct

1 play that for the jury at this time.

2 THE COURT: You may proceed.

3 (Cassette tape played.)

4 SPEAKER: "Hello.

5 MR. KARR: Hello. Is Crystal there?

6 SPEAKER: Hold on. Let me check.

7 MS. KARR: Hello.

8 MR. KARR: Hi, Char?

9 MS. KARR: Yes.

10 MR. KARR: Is Crystal around?

11 MS. KARR: No, she's not.

12 MR. KARR: She's not?

13 MS. KARR: No.

14 MR. KARR: What would be a good time to catch her?

15 MS. KARR: Who is this?

16 MR. KARR: Her father.

17 MS. KARR: Oh, hi, Gary.

18 MR. KARR: How are you doing?

19 MS. KARR: Fine. Wrong time to catch her.

20 MR. KARR: Huh?

21 MS. KARR: She's in and out.

22 MR. KARR: In and out?

23 MS. KARR: Yeah. What's wrong?

24 MR. KARR: Nothing. She hasn't heard from me for a
25 while and wanted to know if I called.

Karr - Direct

1 MS. KARR: Oh, how are you doing?

2 MR. KARR: Oh, doing pretty good. Things are looking
3 real good.

4 MS. KARR: I hope.

5 MR. KARR: Yeah.

6 MS. KARR: I just got busy last week.

7 MR. KARR: Did you?

8 MS. KARR: Yeah, I was in Chicago. I'm leaving again
9 in a couple of days.

10 MR. KARR: Working back there or just hanging out
11 or --

12 MS. KARR: No. Working.

13 MR. KARR: Working?

14 MS. KARR: Uh-huh, working. Are you mad at me?

15 MR. KARR: Am I mad at you?

16 MS. KARR: Yeah.

17 MR. KARR: Not that I know of.

18 MS. KARR: Oh.

19 MR. KARR: Should I be?

20 MS. KARR: No.

21 MR. KARR: Okay.

22 MS. KARR: You told me to tell the truth and I did.

23 MR. KARR: That's right. That's all you have to do.

24 We told a little more than the truth, but --

25 MS. KARR: No, I didn't.

Karr - Direct

1 MR. KARR: Well, I never said nothing about no -- that
2 he followed them back to their house, or took them to their
3 house and killed them all and buried them in a field next to a
4 subdivision.

5 MS. KARR: You did.

6 MR. KARR: No, I did not.

7 MS. KARR: Yes, you did. How would I make that up?

8 MR. KARR: I don't know how you would make that up.

9 MS. KARR: Oh.

10 MR. KARR: You know, it's an impossibility, for one,
11 for him to kill four people.

12 MS. KARR: Oh, you didn't tell me how many.

13 MR. KARR: You said four people.

14 MS. KARR: No, I didn't.

15 MR. KARR: Well, I got the statement.

16 MS. KARR: I told them exactly who it was. Three.

17 MR. KARR: Three?

18 MS. KARR: Uh-huh.

19 MR. KARR: Well, then you heard it wrong. But no, I'm
20 not mad at you. I told you to tell the truth.

21 MS. KARR: You told me, I did that, and you don't know
22 what to do. You saw a lawyer.

23 MR. KARR: I told, well, the same thing I told Art.
24 The same thing I told the lawyer is the same thing I told you.
25 I highly believe he did it. You know, I didn't see him do it,

Karr - Direct

1 so I don't know that he did it.

2 MS. KARR: Exactly and he threatened you.

3 MR. KARR: He threatened me, he threatened you, he
4 threatened my daughter.

5 MS. KARR: Exactly and so you went back.

6 MR. KARR: Yeah.

7 MS. KARR: And you saw parts of the body.

8 MR. KARR: No. He was careful.

9 MS. KARR: He wanted you to rebury them.

10 MR. KARR: Right. He had me take him to an area, and
11 you know, he wanted to examine an area, and he did. I stayed
12 in the vehicle, and he went out and examined the area, he came
13 back and we left. He was careful that the rains or floods or
14 something may have uncovered something. But, yeah, that's all
15 the truth. No, I'm not mad at you.

16 MS. KARR: I didn't lie.

17 MR. KARR: No, you didn't lie, but it's like they
18 added something to it.

19 MS. KARR: No, that's not my fault.

20 MR. KARR: No. But, you know, what you said is
21 basically --

22 MS. KARR: I told them that you were honest, caring
23 and giving, and if you really knew him, he would give you the
24 shirt off his back.

25 MR. KARR: See, you're careful. No, I'm not mad at

Karr - Direct

1 you. You know, I knew it had to come to an end. I actually
2 feel better that it has come to this conclusion, you know.
3 And when it's over, it's over, you know. Fortunately, I'll be
4 talking to a civil lawyer in the next day or two, and, you
5 know, there will be some real liabilities on the FBI's part
6 and whatnot.

7 MS. KARR: Yeah.

8 MR. KARR: Because they lied to the grand jury and,
9 you know, they lied to the magistrate, they lied to the Judge,
10 they lied to the newspapers.

11 MS. KARR: I don't know about that.

12 MR. KARR: Well, yeah, they said I confessed to four
13 murders, and they put me in jail and no bond, you know, and
14 ran all these nasty articles on the TVs and newspapers about
15 me, and I never confessed to anything, you know. And there
16 was nothing more than a conspiracy on their part to make him
17 think that, you know, that I had confessed so that he would
18 confess.

19 But he must have read that and laughed because, you
20 know, he knows I can't confess to four murders I didn't
21 commit. So he just kind of laid back, probably, and laughed
22 and let it go. But that was their attempt. They were hoping
23 that if he thought I rolled on him, he would roll on me.

24 MS. KARR: Uh-huh.

25 MR. KARR: But their theory was wrong and it didn't

Karr - Direct

1 work and, you know --

2 MS. KARR: Yes, you did tell me they were buried out
3 in a field near a subdivision that would probably be built,
4 and he was worried about them finding the bodies.

5 MR. KARR: No. The area that they were buried in was
6 way out in the middle of nowhere. It wasn't anywhere near a
7 subdivision.

8 MS. KARR: Gary, you told me that he was worried about
9 them building on the land.

10 MR. KARR: No.

11 MS. KARR: Oh, whatever.

12 MR. KARR: Okay. Because, you know, the only thing I
13 told you he was worried about is that it was a hunting
14 reserve, and he was worried that the rains, the floods, spring
15 floods and whatnot.

16 MS. KARR: That's not what you said.

17 MR. KARR: Well, no, I didn't go into details with
18 you.

19 MS. KARR: No. You told me that it was going to be in
20 a new subdivision going up.

21 MR. KARR: No, I did not.

22 MS. KARR: Yes, you did.

23 MR. KARR: Well, it's immaterial because there's no
24 subdivision could be built in that area.

25 MS. KARR: Well, whatever, but you said it to me, so

Karr - Direct

1 have no idea.

2 MR. KARR: Okay.

3 MS. KARR: As far as I know, you weren't playing
4 cards.

5 MR. KARR: Well, that's something -- that's something
6 to argue about. You know, it's like it's four years ago and,
7 you know, things change.

8 MS. KARR: I told them that, too. It's been a long
9 time. I can't recall dates. I can't recall word-for-word.
10 can't recall.

11 MR. KARR: Exactly. But, you know, I mean, it's not
12 hurting me. You know, it can't hurt me.

13 MS. KARR: I wasn't doing anything to hurt you. You
14 are already between bars.

15 MR. KARR: Exactly what I told you to do from the very
16 beginning, just tell the truth. You know, you don't have to
17 make nothing up. Just be honest, you know, and basically,
18 that's what you did, you know, and I have nothing to say, you
19 know. But --

20 MS. KARR: Crystal didn't give me a word of where
21 she's at because she's mad at me. So it seems over for now.

22 MR. KARR: She's mad at you? What did you do now?

23 MS. KARR: I didn't do anything. She was embarrassing
24 in front of people. So obviously -- so you can reach her
25 at --

Karr - Direct

1 MR. KARR: I need you to do it for me because I can't
2 leave the phone booth to go get a pencil or paper or nothing,
3 but it's a long process for me. It takes about a month to get
4 a phone number approved. So if you can let me know if she's
5 going to stay where she's at. And did you give Sidney the
6 phone number?

7 MS. KARR: She's doing the custody thing, so she's not
8 allowed to move. So right now, she's pissed off to be there
9 for a while.

10 MR. KARR: Okay. Well, then, maybe I can do is I'll
11 drop her a card or something and say that" --

12 (End of cassette tape.)

13 Q. (BY MR. CARRUTH) Ms. Karr, you told us earlier you were
14 able to identify the voices on that tape. Would you tell the
15 jury, again, who was doing the speaking there again, ma'am?

16 A. That was Gary's voice and my voice.

17 Q. By Gary, you mean Mr. Gary Paul Karr?

18 A. The defendant in this case, right.

19 Q. And was that tape made before or after he had threatened
20 to kill you for what you did?

21 A. That tape was made after.

22 MR. T. MILLS: What was? I didn't hear what she said.

23 A. It was made after.

24 Q. (BY MR. CARRUTH) Now, is this the occasion you referred
25 to, earlier this morning, where Mr. Karr and another man were

Karr - Direct

1 hiding behind the tree, waiting for you at your residence?

2 A. Correct.

3 Q. Did Mr. Karr indicate to you that he or the other man, I
4 believe to use your words what you told me last night, blow --

5 A. Blow me away.

6 Q. Is that what he said?

7 A. That was Gary.

8 Q. Gary was going to blow you away himself?

9 A. Uh-huh.

10 Q. Now, during the time period in question, 1995 and
11 thereafter, did you have more than one telephone number in New
12 Port Richey?

13 A. No, I didn't.

14 Q. Did you have a work phone and a home phone?

15 A. Yes, I did.

16 Q. Okay. Do you recall those phone numbers for us, please,
17 ma'am?

18 A. In '95?

19 Q. Yes, ma'am.

20 A. My home phone number is 848-3885.

21 Q. And what's the area code, please, ma'am?

22 A. 727.

23 Q. Okay. What was your work phone back in 1995?

24 A. 848-0008.

25 Q. And was that also area code 727?

Karr - Direct

1 A. 727.

2 Q. Was there other phone numbers that you used during that
3 time period in 1995?

4 A. My cell phone.

5 Q. What was your cell phone?

6 A. 846-3252.

7 Q. And was that 727 area code?

8 A. Correct.

9 Q. Okay. Now, was there ever a time, subsequent to your trip
10 to Austin in October of 1995, when you spent the night at the
11 Four Seasons and then, drove back with Mr. Karr that
12 subsequent to that, that you overheard a conversation
13 regarding the O'Hairs between Mr. Karr and Mr. Waters?

14 A. I didn't hear that conversation until David Waters showed
15 up at my house with Patti.

16 Q. Yes, ma'am. It was subsequent or after the Four Seasons?

17 A. It was after the Four Seasons.

18 Q. And then, Patti Steffens and Mr. Waters came to your place
19 in Florida?

20 A. Yes.

21 Q. And what did you hear the men talking about, if anything?

22 A. I quite couldn't hear anything except the name O'Hair.

23 Q. Okay. And did you tell us that in addition to the new
24 clothes, which I believe you said was at least \$15,000 this
25 morning?

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WESTERN DISTRICT OF TEXAS (AUSTIN)

Karr - Direct

1 A. Uh-huh.

2 Q. Did Mr. Karr expend any other funds, to your knowledge,
3 like, buying a motorcycle?

4 A. To my knowledge, he bought a motorcycle.

5 Q. And a computer?

6 A. And a computer.

7 Q. And did he buy an automobile for one of his daughters?

8 MR. T. MILLS: Excuse me. I object to leading this
9 witness.

10 A. Yes, he did.

11 Q. (BY MR. CARRUTH) Well, tell me what all he purchased after
12 the trip to Texas in 1995, ma'am, as best you can recall.

13 A. He purchased a computer, furniture, a motorcycle, the car
14 he purchased prior to the Texas trip.

15 Q. Okay. And did he own a Jeep Wrangler --

16 A. Yes, he did.

17 Q. -- at some point in time? And had he used that car
18 before, the vehicle, to go to Texas?

19 A. Yes, he did.

20 Q. Now, you testified this morning about some wire transfer
21 of funds that you received from Mr. Karr while he was in
22 Texas. I'm going to show you what's marked for identification
23 as Government's Exhibit W40-2, W40-3 and W40-4, and I'll ask
24 you whether or not those are all money grams that relate to
25 Mr. Karr during the time period in question. Do you recognize

Karr - Direct

1 those, ma'am?

2 A. Yes.

3 Q. Do those include the money grams you were talking about
4 earlier?

5 A. Yes.

6 Q. We would offer at this time Government Exhibit W40-2,
7 W40-3 and W40-4.

8 MR. T. MILLS: No objection.

9 THE COURT: Received.

10 Q. (BY MR. CARRUTH) Do those money grams reflect two cash
11 payments sent to you and one sent to -- who's this right here?
12 Do you see where my pen was pointing?

13 A. I don't know.

14 Q. Can you read the name, please?

15 A. It says Lisa.

16 Q. Lisa who?

17 A. Jones.

18 Q. Do you know Lisa Jones?

19 A. No, I don't.

20 Q. And the other two were sent to you, Charlene Karr, right?

21 A. Correct.

22 Q. And what's the face amount of this one?

23 A. \$3,361.

24 Q. And what is the date that it was sent?

25 A. August 29th.

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WESTERN DISTRICT OF TEXAS (AUSTIN)

Karr - Direct

1 Q. Of what year?

2 A. '95.

3 Q. And this other one sent to you in the amount of what?

4 A. 2,000.

5 Q. And by Mr. Karr. The date it was sent?

6 A. 9-16-95.

7 Q. Thank you, ma'am. And these wire transfers of funds, you
8 indicated earlier, were intended for Mr. Karr's daughters, I
9 believe; is that correct?

10 A. Correct.

11 Q. He did not send you any money personally?

12 A. No, he did not.

13 Q. But he did give you the watch and the dinner ring; is that
14 correct?

15 A. Yes.

16 Q. Are you still afraid of Mr. Karr?

17 A. Sometimes.

18 Q. Has he ever threatened you on more than one occasion that
19 you've told us about earlier?

20 A. Yes.

21 Q. Pass the witness.

22 MR. T. MILLS: Let me see those exhibits.

23

24 CROSS-EXAMINATION

25 BY MR. T. MILLS:

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U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS (AUSTIN)

Karr - Cross

1 Q. Ms. Karr, my name is Tom Mills. I represent Gary Karr.
2 Let me ask you about Government's Exhibit W40-2. This appears
3 to be a money gram transaction activity report for Gary Karr,
4 \$2700. The sender is Gary Karr, and it looks like received,
5 Lisa Jones. Do you know a Lisa Jones?

6 A. No, I don't.

7 Q. Do you know anything about this transaction whatsoever?

8 A. Not to my knowledge.

9 Q. Are you on any medication right now?

10 A. No.

11 Q. How was the recording made that we heard? In other words,
12 did you hook up a recording device to your phone or had a law
13 enforcement agency done it so that you could record a call?

14 A. After my conversation with Gary, I was so upset with him,
15 I made a phone call to Donna Cowling.

16 Q. That's this nice lady over here.

17 A. How she got the conversation, you would have to ask her.

18 Q. Okay. You didn't record it?

19 A. No, I did not.

20 Q. Okay. The jail may have recorded it?

21 A. Correct.

22 Q. All right. In October 1995, Gary Karr accused you of
23 cheating on him, didn't he?

24 A. Yes, he did.

25 Q. And that was with a man who ran the kareoke bars, right?

*LILY I. REZNIK
U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS (AUSTIN)*

Karr - Cross

1 A. No. That was with the man I had been with for 17 years.

2 Q. The law enforcement agent in Chicago?

3 A. Correct.

4 Q. Gary Karr said that he had parked across the street from
5 your house and watched you entertaining this man, didn't he?

6 A. I have no idea.

7 Q. Did he say that to you?

8 A. No, he did not.

9 Q. He basically ended the relationship with you in October
10 1995, didn't he?

11 A. No, he did not.

12 Q. When do -- what date do you attach to him ending the
13 relationship with you?

14 A. Our relationship didn't end until almost Christmas.

15 Q. Of 1995?

16 A. Correct. He proposed and put a ring on my finger on
17 November the 9th of '95.

18 Q. All right. You don't -- you are angry at him now, aren't
19 you?

20 A. No, I'm not.

21 Q. You're not angry with him?

22 A. No, I'm not.

23 Q. You claim that you are fearful of him, true?

24 A. Sometimes.

25 Q. Okay. You claim that you're fearful of him but that

*LILY I. REZNIK
U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS (AUSTIN)*

Karr - Cross

1 you're not angry with him?

2 A. Correct.

3 Q. Are you fearful that he can do something to you through
4 the phone line?

5 A. No.

6 Q. All right. Before you came here within the last several
7 days, you made a statement to Crystal that, quote, I can say
8 anything I want --

9 MR. CARRUTH: Excuse me, your Honor. I'm going to
10 object to this as hearsay. If he wants to call Crystal Karr
11 to come testify, he may. But he may not cross-examine the
12 witness on statements that are not in evidence, not before the
13 Court.

14 MR. T. MILLS: I'm asking her about her statement.
15 That wouldn't be hearsay to her. It would be her statement.

16 THE COURT: All right. Your question is, did you tell
17 somebody this.

18 MR. T. MILLS: Yes.

19 THE COURT: All right. Objection's overruled.

20 MR. CARRUTH: Thank you.

21 Q. (BY MR. T. MILLS) Is that the statement that you made to
22 Crystal?

23 A. Can you repeat that?

24 Q. "I can say anything I want there"?

25 A. True.

*LILY I. REZNIK
U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS (AUSTIN)*

Karr - Cross

1 Q. Do you believe that anything you say in this courtroom
2 will be believed even if it's not the truth?

3 A. Everything I have said has been the truth.

4 Q. You have been interviewed by the FBI and, possibly, other
5 law enforcement agents since what year?

6 A. I'm not sure.

7 Q. Well, was it -- was the first time you were interviewed --

8 A. It's been over a year.

9 Q. And you have talked with -- isn't it true that you've
10 talked with law enforcement agents for more than over six
11 separate times?

12 A. Yes.

13 Q. And isn't it true that if you said it yesterday, it was
14 the first time in your life that you have ever said anything
15 about Gary saying, "I will blow you away"?

16 A. Gary has said that to me twice.

17 Q. Okay. You have never said that in any interview with law
18 enforcement until last night, true?

19 A. No, that's not true.

20 Q. You claim that you have told other law enforcement agents
21 that?

22 A. Yes.

23 Q. Okay. Then, it would be in your interviews, I'm sure?

24 A. Yes, it is.

25 Q. All right. Have you read your interviews?

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U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS (AUSTIN)*

Karr - Cross

1 A. Yes, I have.

2 Q. Okay. You've read the law enforcement agents' notes about
3 their interviews with you to prepare you to testify?

4 A. Uh-huh.

5 Q. Right?

6 A. Yes.

7 Q. Do you regularly take pain medication?

8 A. No, I do not.

9 Q. Do you regularly take the prescription medicine Soma?

10 A. No, I do not. The only prescriptions I've ever taken was
11 prescribed.

12 Q. During the month of September 1995, how many days did you
13 see Gary Karr?

14 A. In September?

15 Q. Yes.

16 A. Probably a couple of weeks.

17 Q. You mean you think you may have seen him for as many as 14
18 days --

19 A. Uh-huh.

20 Q. -- okay, there in New Port Richey, Florida?

21 A. Correct, at my house.

22 Q. Staying with you?

23 A. Correct.

24 Q. Having a romantic relationship with you?

25 A. Yes.

*LILY I. REZNIK
U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS (AUSTIN)*

Karr - Cross

1 Q. Okay. While you were having a romantic relationship with
2 somebody for 17 years, were you having that relationship then?

3 A. Yes, I was.

4 Q. He wasn't there, was he?

5 A. No. He lives 1300 miles away.

6 Q. Of the 16 days in September, when you did not -- when Mr.
7 Karr was not with you, you don't have personal knowledge of
8 exactly where he was, do you?

9 A. He was in Texas.

10 Q. And you know that because you saw him here or some other
11 way?

12 A. He called to tell me he was in Texas.

13 Q. Did he call you collect each time?

14 A. Not each time.

15 Q. At some point, isn't it true that Gary Karr told you that
16 he believed that David Waters had killed the O'Hair Murrays?

17 A. Yes.

18 Q. He never did -- I'm going to be kind of technical and try
19 to ask you this precise question. He never did say that he
20 knew that David Waters had killed any of those three people,
21 did he?

22 A. He told me David Waters had killed the O'Hair family.

23 Q. Okay. Then, why did you agree with me in my question
24 before that Gary Karr said that he believed that David Waters
25 had killed the O'Hair family? You agreed with that statement.

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Karr - Cross

1 A. That he believed that he killed him.

2 Q. Okay. But you're now saying that Gary Karr said he
3 definitely killed them; is that right? Or that he just
4 thought that he killed them?

5 A. If he believed he killed them and he told me that he
6 killed them, I believed what he had said to me.

7 Q. All right. And from this recording, do I understand that,
8 at one time, that Gary Karr said to you that David Waters had
9 buried the bodies near a new subdivision?

10 A. That's correct.

11 Q. Okay. And isn't it true that if bodies are buried near a
12 new subdivision, isn't it true Gary Karr never said, "I buried
13 some bodies near a new subdivision"?

14 A. That's true. He said bodies were buried.

15 Q. Just a minute ago, you agreed with me that he said David
16 Waters buried the bodies?

17 A. That was a conversation before the conversation you're
18 asking of now.

19 Q. All right. Did Gary Karr say that David Waters had buried
20 the bodies near a new subdivision?

21 A. That is correct.

22 Q. Okay. Did Gary Karr ever say to you that David Waters
23 buried some bodies in the country somewhere in the woods, in
24 the Hill Country?

25 A. No, he did not.

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Karr - Cross

1 Q. In preparing for your testimony, have you seen either
2 pictures of this ranch land or a map of some ranch land out in
3 the country?

4 A. Huh-uh.

5 Q. No? Is it true that Gary Karr said -- or was it just your
6 fear that the watches were taken from dead bodies as opposed
7 to being part of his payment for helping get them out of town?
8 Was that something that you feared and assumed?

9 A. Gary told me the watches were won in a card game. That
10 was his share of the winnings.

11 Q. All right. Did Gary ever tell you that they came from
12 anyplace else besides the card games, or was it just the card
13 games?

14 A. Later on, he told me where they came from.

15 Q. And later on, did he say that David Waters had taken them
16 from dead bodies or live people, or what?

17 A. He already had them in his possession because he won them
18 in a card game. Later on, he told me the real story was they
19 came off the O'Hair family.

20 Q. Whatever his exact words were, he didn't say words that
21 led you to know if he meant live people or dead people, did
22 he? He just didn't use those words, did he?

23 A. By this time, I already knew that they were dead.

24 Q. But you -- if they are dead, if they were dead, what I'm
25 talking about is when did the watches come off of them if they

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Karr - Cross

1 -- at what point? He never did go into that detail, did he?

2 A. No, he didn't.

3 Q. All right. I may have written this down wrong, so forgive
4 me if I have, but I thought you said in response to one of Mr.
5 Carruth's questions that Gary never told you about gold coins;
6 is that correct? Did Gary ever tell you about gold coins?

7 A. The only time I heard about the gold coins is after I was
8 in Texas, and Gary says that they put the coins and the money
9 in a storage. That's the first I've heard of it.

10 Q. All right. Did he tell you that a person named Jon Murray
11 had gone to a bank and taken possession of gold coins that day
12 that they put them in a storage shed, a storage closet, or did
13 he say anything about that?

14 A. No, he did not.

15 Q. All right. When David Waters and Patti visited in
16 Florida, several weeks later, did you say that at one point,
17 David and Gary Karr were gone for several hours?

18 A. Yes, I did.

19 Q. All right. And I wrote down several. You said several
20 hours, didn't you?

21 A. Several.

22 Q. Several, right?

23 A. Uh-huh.

24 Q. S-E-V-E-R-A-L. All right. Then, the next question to you
25 from Mr. Carruth was, do you know what they did for those six

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Karr - Cross

1 or eight hours? You didn't say six or eight hours, did you?
2 You said several.

3 A. Several is more than three or four.

4 Q. Is it?

5 A. Yeah.

6 Q. Okay. Well, you didn't say six or eight. You didn't say
7 either one of those numbers, did you?

8 A. No, I didn't say any number. I didn't know I had to.

9 Q. You didn't have to. But you were questioned about six or
10 eight hours. Those were not your words, were they?

11 A. I said several hours.

12 Q. All right. Do you know --

13 A. Most of the day, whatever you want to assume the limit.

14 Q. Did you first have a conversation -- were you first
15 questioned by law enforcement in 1999?

16 A. I believe it was '99.

17 Q. '99. And whether it was Ms. Cowling or someone else, you
18 were asked to think back about events in October of 1995,
19 weren't you?

20 A. Correct.

21 Q. Okay. So you were thinking about three and a half to four
22 years before, right?

23 A. Uh-huh.

24 Q. And now it's 2000, I think. We're in May of 2000. And
25 you -- do you really remember the exact number of hours that

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Karr - Cross

1 the men were gone on one day in 1995?

2 A. I can't give you exact hours.

3 Q. That's fine.

4 A. I can tell you that they were gone most of the day.

5 Q. Well, how do you define most of the day? Most of the day
6 to mean --

7 A. Most of the day is when I go to work at 10:00, and they're
8 still not back at 6:00 in the evening.

9 Q. All right. Now, do you have any knowledge as to where
10 they were during that time?

11 A. No, and I didn't ask.

12 Q. Mr. Carruth asked you if they had time to go to Naples,
13 Florida, right?

14 A. Uh-huh.

15 Q. And to your knowledge, they would have?

16 A. Exactly.

17 Q. How many other cities in Florida would they have had time
18 to go to and come back from?

19 A. Quite a few.

20 Q. How do you know they left New Port Richey, Florida at all,
21 or maybe you don't?

22 A. I don't.

23 Q. You used -- I wrote down this phrase. Correct me if I
24 wrote it down wrong. To your knowledge, Gary Karr bought a
25 motorcycle?

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Karr - Cross

1 A. Correct.

2 Q. Did you see a motorcycle?

3 A. No, I did not.

4 Q. Did you hear him driving a motorcycle by your house that
5 you recognized it was a motorcycle engine?

6 A. I did not.

7 Q. At some point in history and time, did Gary Karr tell you
8 he bought a motorcycle?

9 A. He told our daughter.

10 Q. He told your daughter. Who told you?

11 A. Because he lived with my ex-brother-in-law, whom my nephew
12 used to hang out with all the time, and I heard from him, too.

13 Q. So you heard through the grapevine that he was driving a
14 motorcycle?

15 A. Uh-huh.

16 Q. All right. Did you hear from the grapevine that he had a
17 computer?

18 A. Uh-huh.

19 Q. Did you hear from the grapevine that he had some
20 furniture?

21 A. I wrote him on his computer and got a response.

22 Q. You wrote him on his computer?

23 A. Uh-huh.

24 Q. You mean you --

25 A. I e-mailed --

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Karr - Cross

1 Q. You sent him an e-mail?

2 A. -- pretending I was my daughter.

3 Q. Okay. And you know who owned the computer that he was
4 using, right?

5 A. According to Gary, it was his because he couldn't send it
6 to his daughter.

7 Q. And he sent that to you or to his daughter?

8 A. He sent it to my daughter about a month ago.

9 Q. And through the grapevine, did you learn that he had some
10 furniture?

11 A. My daughter went and stayed at his house for three weeks
12 and was upset with him.

13 Q. Okay. Now, what month is it that you claim that Gary Karr
14 said that he hid behind the tree and -- did he say that he was
15 with someone else?

16 A. He was with somebody, but he didn't say who.

17 Q. Okay. When you say he was with somebody, did you see him?

18 A. No.

19 Q. Okay. So you don't know if he was with anybody?

20 A. No.

21 Q. Okay. But you're saying Gary Karr said, "I was with
22 somebody and we were hiding behind a tree"?

23 A. Correct.

24 Q. And "I'm going to kill you"?

25 A. And "I came this close to pulling the trigger."

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Karr - Cross

1 Q. Okay. Did you have a -- if that happened, did you have a
2 clue as to what he was talking about?

3 A. It didn't matter what he was talking about. The fact that
4 he thought he was going to shoot me.

5 Q. Okay. Was that when he was arguing with you about dating
6 this other guy when he didn't think you were when he came back
7 from Texas one day early?

8 A. If that's what he wants to say. Under my assumption, it
9 was because of what I knew.

10 Q. Well, all right. Let me ask you a couple of questions
11 about that. It's your assumption that he threatened to kill
12 you because you know something, right?

13 A. He came to my door with a gun.

14 Q. When?

15 A. The day that he told me he was going to pull the trigger.

16 Q. He had a gun?

17 A. Yes, he did.

18 Q. What kind of gun?

19 A. I'm not real good with guns.

20 Q. Okay. Have you told people about this before?

21 A. It was a pistol.

22 Q. Have you told any law enforcement agents about that
23 before?

24 A. What, that he was going to shoot me?

25 Q. No. That Mr. Karr came to your door with a pistol?

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Karr - Cross

1 A. I don't believe I did.

2 Q. Okay. May the 18th, 2000 is the first time that you've
3 ever stated those facts in this case to your knowledge, right?

4 A. To my knowledge.

5 Q. All right. Well, was this period of time when he was
6 saying angry things the same time period that y'all were
7 bickering about him saying that you were cheating on him?

8 A. I don't care what his excuse was or --

9 Q. Is that a yes?

10 A. -- or reason --

11 Q. Is that a yes?

12 A. I don't recall for it being any other reason than for me
13 knowing what I know.

14 Q. All right. Well, what it is that you think you know that's
15 -- he would want to kill you about? He never admitted killing
16 anybody to you, did he? Right?

17 A. Indirectly or directly, he did not kill somebody.

18 Q. Let me ask my question. I'll try to ask it real clearly.
19 Did Gary Karr ever tell you that he killed Ms. O'Hair or her
20 son or granddaughter? Yes or no?

21 A. No.

22 Q. Did Gary Karr ever tell you that he buried Ms. O'Hair, or
23 her son, or her granddaughter, he himself?

24 A. No.

25 Q. Well, in fact, Gary Karr told you that he was fearful of

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Karr - Cross

1 David Waters, correct?

2 A. Yes.

3 Q. And, in fact, asked you to not let David Waters know where
4 he was living?

5 A. Correct.

6 Q. In that telephone conversation that was taped, two or
7 three times when you and Gary Karr were talking, you would --
8 you brought up this -- you told me that they were buried in a
9 new subdivision. Had you been coached by somebody about what
10 to say?

11 A. No.

12 Q. Okay. Why were you bringing that up? You brought it up
13 at least twice. I'm just curious.

14 A. Because Gary was trying to make me believe other than what
15 he was saying, and I know what he said to me.

16 Q. Okay. You know that at some point in time, Gary Karr said
17 that the O'Hair family was buried somewhere near some new
18 housing development?

19 A. There was a development going up, and it was only a period
20 of time before they would reach and add new development and
21 find the bodies.

22 Q. All right. And you understood that to either be a housing
23 development or a business development?

24 A. Subdivision or whatever.

25 Q. All right. And in the visit when David Waters and Patti

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Karr - Redirect

1 were in New Port Richey, Florida, the only thing that could
2 conceivably be suspicious that you overheard the two men
3 saying was one of them said the word "O'Hair"?

4 A. Uh-huh, that's the first time I heard the name.

5 Q. That's all the questions that I have. Thank you.

6 RE-DIRECT EXAMINATION

7 BY MR. CARRUTH:

8 Q. Counsel earlier asked you about an engagement ring. Do
9 you recall that testimony?

10 A. Pardon?

11 Q. Mr. Mills asked you earlier in your cross-examination
12 about an engagement ring that you had received.

13 MR. T. MILLS: Excuse me. I'd object to his question
14 because I don't think it's based on any fact in evidence. I
15 don't believe I asked any question about an engagement ring.

16 MR. CARRUTH: Well, about a ring, a diamond ring, a
17 solitaire ring. There was some testimony elicited that I was
18 going to clear up for the record.

19 THE COURT: Ask your question.

20 Q. (BY MR. CARRUTH) Do you recall what you told Mr. Mills
21 about a ring, a diamond ring?

22 A. He asked me if I've seen a solitaire ring.

23 Q. And your response was?

24 A. That I had not.

25 Q. Okay. Now, you did not know that tape was being made when

Karr - Redirect

1 you had that telephone call with Mr. Karr, did you?

2 A. No, I did not.

3 Q. Okay. And counsel has suggested that you waited until
4 today to come up and make up all these stories. Do you recall
5 you were interviewed by the FBI, back on February of 1999,
6 more than a year ago?

7 A. You have to refresh my memory.

8 Q. Yes, ma'am. FBI 302 recorded your interview. There was
9 one done with you showing interviews on February 17th and
10 18th, 1999; it's five pages in length?

11 A. Uh-huh.

12 Q. Would you please read at the bottom of page 4 and the top
13 of page 5, and just to yourself, and tell me whether or not
14 you reported, more than a year ago, about David laying in wait
15 with another man behind the tree and threatening to kill you?
16 Is that in there?

17 A. Uh-huh.

18 Q. And, also, he questioned you about the time they were gone
19 from New Port Richey. Did you say at the top of page 3, "The
20 first night, Karr and Waters were gone for four to five,
21 possibly six to eight hours"?

22 MR. T. MILLS: Excuse me, Judge. This is improper
23 bolstering and leading a witness. This isn't even a
24 transcript of her testimony.

25 MR. CARRUTH: Pursuant to Rule 801D(1)(b) --

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Karr - Redirect

1 THE COURT: The objection is overruled. You may ask
2 the question.

3 MR. CARRUTH: I would like to offer the entire
4 statement, your Honor, as a prior statement by the witness
5 that is consistent with the declarant's testimony and is
6 offered to rebut a charge of recent fabrication or improper
7 influence under Rule 801D(1)(b) of the Federal Rules of
8 Evidence.

9 MR. T. MILLS: Let me take a look at that specific
10 rule just a moment, Judge.

11 MR. CARRUTH: We could substitute a clean copy for the
12 record. This one's marked up.

13 MR. T. MILLS: Well, if I don't -- I don't object to
14 her statements if the -- if only her statements are admitted.
15 I would assume an FBI 302 has a lot more than just quotes.
16 But the quotes I have no objection to. The rest can be
17 omitted.

18 MR. CARRUTH: Well, your Honor, he's attempted to
19 impeach her on several different areas --

20 THE COURT: No, no. Let me tell you. I've got a
21 white flag back in the office somewhere, and when I need help,
22 I'm going to go find it and I'm going to raise it. Until
23 then, y'all can state your objections and your positions. I
24 will permit you to go over here and show him what sections
25 that you are going to ask the witness to read or you can read

Karr - Redirect

1 and ask the witness if it is not contained therein and that
2 that's a statement prepared as of a certain day.

3 MR. CARRUTH: I think we've got it narrowed down, your
4 Honor.

5 Q. (BY MR. CARRUTH) Ms. Karr, I'm going to read to you from
6 your statement a reported interview with the FBI, dated 2-17
7 through 18, 1999, New Port Richey, Florida. And I want you to
8 tell me whether or not these are the statements you made to
9 the FBI agent on that occasion.

10 At the page, first paragraph on page 3. During
11 October, Waters and his girlfriend came to visit for two days
12 Source, and that's you, was uncomfortable with Waters while
13 they were visiting. Waters and his girlfriend arrived in
14 Waters' white car --

15 MR. T. MILLS: Excuse me, Judge. Object on the
16 grounds that this is not one of the quotes that I agreed to.

17 MR. CARRUTH: Well, it's in the same sentence. I'll
18 skip down.

19 THE COURT: Well, the objection is sustained. Members
20 of the jury, I'm going to excuse you for a minute.

21 (Jury not present.)

22 THE COURT: All right. Counsel, both of you go to
23 this little teeny desk right here. Do one of you have a
24 pencil or a pen? Both of you have a pencil. Do you have a
25 transcript?

Karr - Redirect

1 MR. CARRUTH: No, your Honor, it's not a transcript.
2 It's a report of an interview.

3 THE COURT: It is a transcript, that is, it is
4 printed, typed, something in it; it's a written document.
5 Circle what you wish to read on your theory of showing that
6 the witness did not manufacture testimony today as inferred by
7 the questioning of counsel. Just circle it.

8 MR. CARRUTH: All right, sir. This paragraph here.

9 THE COURT: All right. Let's get it all because I'm
10 just going to --

11 MR. CARRUTH: But you see, your Honor, if you just
12 read something out of context, it doesn't make any sense.
13 That's why I was reading the entire paragraph.

14 THE COURT: First off, let's let counsel see it.

15 MR. CARRUTH: He's seen it when I circled it, your
16 Honor.

17 MR. T. MILLS: I couldn't read it. May I underline
18 that portion that I agree with?

19 THE COURT: Yes. His is a circle, yours is an
20 underline. Mine is a cannon.

21 All right. Counsel, I have placed, of course, which
22 has come out in three different colors of ink because of the
23 wonderful modern world we live in, the underline in orange as
24 to what can be asked. And the question to be asked in light
25 of the proffer is: On a statement of July -- of February 17,

Karr - Redirect

1 18, 1999, does the following -- is the following contained in
2 there:

3 During October, Waters and his girlfriend came to
4 visit for two days. The first night, Karr and Waters were
5 gone for four to five -- four to five, possibly six to eight,
6 six to eight hours in the Waters car. Source and Waters'
7 girlfriend went drinking while the men were gone, period. Is
8 that in the statement of February '99?

9 MR. CARRUTH: Well, yes, but I don't think either side
10 wishes to make an issue of drinking.

11 MR. T. MILLS: I think it puts it in a good context.

12 THE COURT: I don't care. Neither one of you, I don't
13 -- you know, with the way you two are acting, I'd like a
14 drink. The next is the same truth. Whether or not the
15 statement underlined is in part of the statement. You have
16 proffered this evidence simply to show that it was in
17 existence at a time prior to May of 2000. That's the only
18 point of this whole thing.

19 MR. CARRUTH: That's the exact point I'm trying to
20 make, your Honor. He suggested she could come in here today
21 and say anything she wanted to.

22 THE COURT: But you, also, of course, want the whole
23 loaf of bread, bread truck. You want to read the whole
24 statement in, I'm not going to let it. I'm going to let you
25 read those portions and ask if those are contained in the

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Karr - Redirect

1 statement. Other than that, the objection is good. We're
2 going to go on to something else.

3 MR. CARRUTH: I have another statement in here I'd
4 like to read about Waters killing them and burying them in a
5 field in a subdivision that's a bone of contention.

6 THE COURT: Well, it wasn't circled. Do you want to
7 circle it?

8 MR. CARRUTH: Could I use your pen?

9 THE COURT: No. Instead of ordering a transcript, Mr.
10 Mills, you'd better be up here looking at what's being
11 circled. I'll permit it.

12 MR. CARRUTH: Thank you, your Honor.

13 THE COURT: All right. Bring the jury back.

14 (Jury present.)

15 Q. (BY MR. CARRUTH) Ms. Karr, I'm going to ask you to read
16 with me the highlighted portions of a statement prepared by
17 the FBI agent who interviewed you back on February the 17th
18 and 18th of 1999. Do you recall that interview, ma'am?

19 A. Uh-huh.

20 Q. And in this statement, you're referred to as a source
21 rather than by name; is that correct?

22 A. Correct.

23 Q. They were trying to keep your identity confidential.

24 A. Right.

25 Q. Now, right here, it says, "During October, Waters and his

Karr - Redirect

1 girlfriend came to visit for two days." Do you want to just
2 read it? Don't just read these right here. "The first
3 night," right here, just start right there.

4 A. "The first night, Karr and Waters were gone for four to
5 five, possibly six to eight hours in Waters' car. Source and
6 Waters' girlfriend went drinking while men were gone."

7 Q. Stop. Now, jump down here.

8 A. "Waters killed them and buried them in a field in Texas
9 near a subdivision."

10 Q. Now down to here, please.

11 A. "Karr was concerned because he thought that the bodies
12 were going to be found due to ongoing construction."

13 Q. All right. Now we're going to slip over to the bottom of
14 page 4, and if you read that, please, where it's highlighted
15 in orange.

16 A. "While Karr was still living in New Port Richey, Sidney
17 came down for a visit. Exact date unknown. During this time
18 period, Karr came over to source's residence and stated, 'You
19 came this close to dying.'"

20 Q. And that's in quotes, is it not?

21 A. Yes, it is. "We were behind the tree and we came this
22 close to shooting you because you knew what happened. Karr
23 told source that it had been he and Waters behind the tree.
24 He instructed her not to say anything because that would be
25 what would happen to her."

Karr - Redirect

1 Q. So you did report this threat more than a year ago to the
2 FBI, didn't you?

3 A. Yes, I did.

4 Q. Didn't you, Ms. Karr?

5 A. Yes.

6 Q. Did you make those statements you just read?

7 A. Yes, I did.

8 Q. Now, did you also tell the investigator that at some point
9 after he returned from the Texas trip, Mr. Waters contacted
10 Art Miller, his part-time employer?

11 A. I'm sorry. Can you repeat that?

12 Q. Yes. Sometime after he returned from the Texas trip in
13 1995 that he talked to Art Miller, his employer --

14 A. Right.

15 Q. -- and relayed to him what had happened or some of the
16 events you've testified about?

17 A. Right.

18 Q. And at some point in time, it was determined that he
19 should consult with an attorney in Florida, correct?

20 A. That's correct.

21 Q. What is your knowledge about that?

22 A. He did go over to Art Miller's house, and Art Miller did
23 get him an attorney to speak to.

24 Q. And do you know whether or not there was a recording made
25 of his conversation with either Mr. Miller or the attorney in

Karr - Recross

1 Florida?

2 A. I didn't see the tape, but Gary had told me he had spent
3 hours talking to the attorney and if something should happen
4 to him, to keep the attorney's name that he would carry the
5 tapes.

6 Q. So the attorney has a tape in Florida according to Mr.
7 Karr?

8 A. Right.

9 Q. Pass the witness.

10 RECROSS-EXAMINATION

11 BY MR. T. MILLS:

12 Q. Do you happen to know the name of the attorney?

13 A. I have it written down at home. I don't know it offhand.

14 Q. Have you ever spoken to the attorney?

15 A. No, I haven't.

16 Q. Do you know if there really is a tape recording of your
17 own personal knowledge?

18 A. I believe so. Gary said so.

19 Q. Okay. You don't have any other basis -- I mean, that's
20 your basis that he said so?

21 A. Art Miller said that he sent them to the attorney to make
22 a tape.

23 Q. Okay. That's all the questions I have.

24 MR. CARRUTH: Nothing further, your Honor. May the
25 witness be excused?

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Karr - Recross

1 THE COURT: Counsel?

2 MR. T. MILLS: Yes.

3 THE COURT: You may be excused. Call your next
4 witness.

5 MR. CARRUTH: United States calls Jean McKeegan.

6 THE COURT: Ma'am, if you will come right here. This
7 is Mrs. Sims. She's going to administer an oath to you.

8 (Witness was sworn.)

9 THE COURT: Ma'am, how good are you in stairs?

10 THE WITNESS: Not too good.

11 THE COURT: There are four of them you're going to
12 have to negotiate to get up on the --

13 THE WITNESS: Is there something to hang on to?

14 THE COURT: Well, I can give you a lot of men.

15 THE WITNESS: This gentleman here says I can --

16 THE COURT: If not, we'll pull a chair up. We can't
17 move the column, the whole thing --

18 THE WITNESS: The whole thing will fall down.

19 THE COURT: Would you prefer just sitting in front?

20 THE WITNESS: No.

21 THE COURT: Okay. If you'll tell us your full name
22 and spell your last name.

23 THE WITNESS: I'm Jean C. McKeegan. Last name is M-C,
24 capital, K-E-E-G-A-N.

25 JEAN C. MCKEEGAN, called by the Government, duly sworn.

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McKeegan - Direct

1 DIRECT EXAMINATION

2 BY MR. CARRUTH:

3 Q. Ms. McKeegan, where do you currently reside?

4 A. In San Antonio.

5 Q. And is that your husband out in the hall that came with
6 you today?

7 A. Yes.

8 Q. I believe he's a retired Air Force officer, isn't he?

9 A. Right.

10 Q. And back in 1995, did you folks own an Eldorado Cadillac
11 that you were looking to sell?

12 A. Yes, we advertised it in the paper.

13 Q. And was it a white Cadillac?

14 A. Yes.

15 Q. And did you get any response to your advertisement in the
16 paper to sell that Cadillac?

17 A. Yes, we did.

18 Q. And do you remember the particulars of that? Was it in
19 about September of 1995?

20 A. It was, yes.

21 Q. Okay. And tell us what happened when you put that ad in
22 the paper.

23 A. We received a call from Austin, I think, the second day
24 the ad was in, and a gentleman came down in the afternoon to
25 look at it.

McKeegan - Direct

1 Q. Okay. And did you know this gentleman's name or did he
2 tell you his name?

3 A. Yes. I can't remember. Waters, is it?

4 Q. Waters? Okay. Was he alone or in the company of another
5 person?

6 A. He had a gentleman with him.

7 Q. Okay. And what happened after he saw the car?

8 A. After he sold it?

9 Q. He saw it. He came down to first look at it.

10 A. He said that he would like to buy it.

11 Q. Did he take a test drive in it?

12 A. Yes, he did. He and his friend that brought him down --

13 Q. Okay.

14 A. -- took a drive in it and brought the car back real --
15 very quickly.

16 Q. Okay.

17 A. And said he would like to buy it and --

18 Q. And how much were you and your husband asking for this
19 Cadillac?

20 A. 13,000.

21 Q. And did he agree to meet your price?

22 A. Yes. There was no argument or anything.

23 Q. And do you recall what day of the week this was that he
24 came --

25 A. It was a Saturday afternoon.

McKeegan - Direct

1 Q. A Saturday afternoon. And did he have money to pay for
2 the car. Or how did he handle the finances?

3 A. He said he would be back shortly. He had to go get some
4 money, money to pay for it.

5 Q. Okay.

6 A. And he came back within an hour or less.

7 Q. Okay. And this was in San Antonio, Texas?

8 A. This was in San Antonio.

9 Q. And did you find anything strange or unusual about that?

10 A. Yes, I did, because it was a Saturday afternoon, and he
11 said he was from Austin and he was gone such a short time. I
12 couldn't figure out whether he went to a bank or where he got
13 the money unless he had it with him when he came. I don't
14 know. But cash was a little unusual, even at the Credit
15 Union. He asked -- he said, "Is cash all right?" And even
16 the woman at the bank was a little surprised that someone
17 would have that much cash to pay for the car.

18 Q. And did you take him to your credit union?

19 A. Credit Union.

20 Q. Was that Randolph/Brooks Federal Credit Union in San
21 Antonio?

22 A. Right.

23 Q. Did you bring with you to court today a copy of your
24 account --

25 A. Yes.

McKeegan - Direct

1 Q. -- statement showing the deposit of those funds in your
2 account?

3 A. Yes, I do.

4 Q. Let me show you what's been marked for identification as
5 Government's Exhibit W37-1. Would you take a look at that,
6 please, ma'am, and tell me if you've ever seen it before or
7 can recognize any of the documents there?

8 A. Yes.

9 Q. It's a certified copy of a title history on the vehicle
10 you sold. Do you recognize it?

11 A. I suppose --

12 Q. It's got a title or chain of title in here. And prior to
13 it being owned by this gentleman?

14 A. Yes.

15 Q. Is that your signature right there?

16 A. Yes.

17 Q. So your signature's in the chain of title on this
18 Cadillac?

19 A. Right.

20 Q. We'd offer Government's Exhibit 37-1, your Honor, under --
21 a state document under seal of the Texas Department of
22 Transportation.

23 MS. WILLIAMS: No objection.

24 THE COURT: Received.

25 Q. (BY MR. CARRUTH) And now that that document is in

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McKeegan - Direct

1 evidence, does it reflect who the next purchaser was from the
2 McKeegans right down at the bottom?

3 A. Yes, it does, David R. Waters.

4 Q. And what is the date of the title transfer?

5 A. 16th of September, 1995.

6 Q. All right. Government's Exhibit W37-2, I believe you
7 brought with you today, did you not, ma'am?

8 A. Right.

9 Q. And that's a copy of your account statement at
10 Randolph/Brooks Federal Credit Union showing the deposit into
11 your account along with the payment of the outstanding balance
12 that you owed the Credit Union for the Cadillac; is that
13 correct?

14 A. Right.

15 Q. We'd offer W37-2.

16 MS. WILLIAMS: No objection.

17 THE COURT: Received.

18 Q. (BY MR. CARRUTH) Thank you. Had you ever seen this man,
19 Mr. Waters, before?

20 A. No.

21 Q. And have you ever seen him since?

22 A. No.

23 Q. Pass the witness.

24 CROSS-EXAMINATION

25 BY MS. WILLIAMS:

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McKeegan - Cross

1 Q. Hi, Ms. McKeegan. We met in the hall earlier.

2 A. Yes.

3 Q. And Ms. Cowling and I showed you a series of pictures to
4 see if you could identify who the other person was that was
5 with David Waters. We showed you those in the hall during
6 lunch?

7 A. Yes.

8 Q. And you weren't able to pick anybody out; is that correct?

9 A. No.

10 Q. That's all I have.

11 MR. CARRUTH: Nothing further, your Honor. May the
12 witness be excused to return to San Antonio?

13 MS. WILLIAMS: Yes.

14 THE COURT: You may be excused, ma'am. Thank you.
15 You may call your next witness.

16 MR. CARRUTH: I believe Mr. Mills has the next
17 witness, your Honor, and I think he seems to have stepped out.
18 Let me find him.

19 THE COURT: Just come right there, please, sir. This
20 is Mrs. Sims. She's going to administer an oath to you.

21 (Witness was sworn.)

22 THE COURT: Walk around this column, have a seat up
23 here on the witness box. If you'll tell us your full name and
24 spell your last, please.

25 THE WITNESS: Mel Davis, D-A-V-I-S.

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Davis - Direct

1 MEL DAVIS, called by the Government, duly sworn.

2 DIRECT EXAMINATION

3 BY MR. D. MILLS:

4 Q. Where do you reside, sir, and how are you currently
5 employed?

6 A. I reside in Floresville, Texas, and I'm self-employed.

7 Q. What do you do?

8 A. I do contract work for U.S. Bankruptcy Trustees in San
9 Antonio.

10 Q. What type of work is that? What do you do for the
11 bankruptcy trustees?

12 A. I sell real estate for them, pick up collateral and do
13 options.

14 Q. During June of 1995, did you have occasion to be in San
15 Antonio, Texas, staying at or near the Warren Inn?

16 A. Yes, sir. We moved into the -- we moved into the Warren
17 Inn, I think, in June of '95, and left, I believe, in August
18 of '96.

19 Q. You say "we." You're talking about --

20 A. My family: my wife and two children.

21 Q. And what was your purpose for residing in the Warren Inn
22 at that time?

23 A. We were in transition, trying to get from -- move from
24 Boerne down to Floresville. We just kind of got stuck.

25 Q. And how long did you stay there?

Davis - Direct

1 A. Well, about 13, 14 months.

2 Q. Did you stay in the same location, the same unit?

3 A. Yes, sir.

4 Q. There are different types of units there?

5 A. Yes, sir.

6 Q. Can you tell the jury the different types of units that
7 are there?

8 A. Well, the ones I know about, they have an efficiency and
9 they have a one-bedroom and a two-bedroom. We happen to be in
10 the two-bedroom, and all the units in our particular unit were
11 two-bedroom apartments.

12 Q. I'll show you what's been admitted as Government's Exhibit
13 25-16, and ask you if that is a picture of the Warren Inn as
14 you recognize it to have been?

15 A. Yes, sir, that's correct.

16 Q. Okay. Is this area where you can stay for longer periods
17 of time, do you get to where you socialize with people there
18 like you would in a neighborhood or not?

19 A. This is more of a transient-type apartment complex. I
20 would say we were there a little over a year. Probably one or
21 two others were there a year. Most people went in and out in
22 a couple of months.

23 Q. I'm going to show you what's been marked as Government's
24 Exhibit W26-1, and ask you if you've ever seen this before?

25 A. Yes, sir.

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Davis - Direct

1 Q. Does this -- on the item that's enumerated No. 5, does
2 that appear to be your signature?

3 A. Yes, sir.

4 Q. And then, the second page of this exhibit, there are six
5 photos; is that correct?

6 A. Yes, sir.

7 Q. And do you have your initials on two of the six?

8 A. Yes, sir.

9 Q. That would be No. 3 and No. 4; is that correct?

10 A. Yes, sir.

11 Q. The first page of W26-1, you initial photograph No. 5; is
12 that correct?

13 A. Yes, sir.

14 Q. Does Government's Exhibit W11-1 appear to be the same
15 photograph?

16 A. Yes, sir.

17 Q. And on page 2, you initialed 4 and 3. Does No. 3 appear
18 to be the same photograph of a person in W11-2?

19 A. Yes, sir.

20 Q. Do you know the names of those individuals?

21 A. No, sir.

22 Q. Can you tell the jury how it is that you came to identify
23 those individuals when you were asked to do so?

24 A. When we lived in the Warren Inn, we were up in the very
25 top, right-hand corner, and two or three doors down, Ms.

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Davis - Direct

1 O' Hair and her son and someone else lived in that apartment.
2 There was people in and out all the time. These people, I
3 don't recall exactly seeing them go in and out of the
4 apartment, but you know, you just don't pay that much
5 attention all the time.

6 I remember seeing them -- you'll have to remember,
7 everybody kind of goes out the same way to the parking lot.
8 I remember seeing them either in the parking lot or in the
9 walkway to the parking lot.

10 Q. Can you give the jury a time frame as to when you saw them
11 during your stay? Was it during the '95 or do you recall?

12 A. Yes, sir, it was either in August or September of '95.

13 Q. Now, you say you knew some individuals named Ms. O' Hair,
14 her son and another individual?

15 A. I didn't know them. I just -- I saw her and her son and a
16 third individual on the -- actually, on the lower floor, but I
17 knew and -- I knew three people lived in that apartment and I
18 knew she lived in that apartment, but you know, I didn't know
19 them. I mean, I just saw her and I believe it was her son
20 with her. And then, there was a third person, but I don't
21 recall who that was.

22 Q. I want to show you what's been admitted as Government's
23 W1-54A, which purports to be a photograph of Madalyn Murray
24 O' Hair. Is this the woman that you're speaking about that you
25 saw in the apartment?

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Davis - Direct

1 A. Yes, sir.

2 Q. And W1-56B is purportedly a driver's license picture of
3 Robin Murray O' Hair. Is that the other individual that you
4 saw there?

5 A. I'm not sure about that.

6 Q. Okay. And how about W1-56C, which purports to be a
7 photograph driver's license picture of Jon Garth Murray?

8 A. I think he was there. He was with her, I think.

9 Q. How often did you see them there and where did you see
10 them when you saw them?

11 A. You know, I just -- you don't really pay that much
12 attention. I recall him helping her, and somebody else
13 downstairs. And at the time, you know, I recognized her, but
14 I didn't really put it all together. And then, those people
15 go in and out of the apartments. Like I said, I knew they
16 lived there.

17 Again, those apartments, it's kind of different groups
18 of people lives there. So it's lots of usual activity, I
19 guess you might say, so I didn't think much of it when I saw
20 people go in and out.

21 Q. Did you notice if Ms. O' Hair had to walk with some
22 assistance?

23 A. I thought the day I saw her she had a cane, but I wouldn't
24 swear. But that guy was helping her or something -- I don't
25 know if something had happened, she stumbled or what, he was

Davis - Direct

1 helping her. And I just remember looking at her face very
2 clearly.

3 Q. When you say "different kind of people living there," what
4 do you mean by that?

5 A. Well, I don't mean -- it's -- you know, everybody's in
6 transition there or people are coming in to -- that's not
7 really the right thing to say. Probably a better thing,
8 business people, I guess, come in for a week might stay there
9 or below us. There was a couple and their granddaughter came
10 and stayed for a month while they visited their kids.

11 It's not a permanent-type residence. You know, people
12 are moving in and out more so than you would find in an
13 ordinary apartment. Maybe that's a better explanation still.

14 Q. Do you remember seeing a white Cadillac vehicle parked in
15 the area during the time the O'Hairs -- that you were there?

16 A. Yes, sir.

17 Q. And did you also see a gray Mercedes Benz?

18 A. I never saw the gray Mercedes.

19 Q. Did you find anything unusual seeing that white Cadillac
20 there?

21 A. No, sir.

22 Q. Okay. You just noticed it?

23 A. I just know there was a white Cadillac in the parking lot.

24 Q. Okay.

25 A. You know, to give you just a quick example, while we were

Davis - Cross

1 there, a guy set his apartment on fire and burned up. I mean,
2 that was just the kind of stuff that went on around there. It
3 was different, and that was the same time they were there when
4 it got burned up, I think.

5 Q. Do you know if your wife saw the gray Mercedes Benz?

6 A. My wife saw the gray -- my wife used to walk around the
7 complex and she saw the Mercedes -- I wouldn't have any reason
8 to go to that part -- and she walked around, she saw it.

9 Q. Pass the witness, your Honor.

10 CROSS-EXAMINATION

11 BY MR. T. MILLS:

12 Q. Mr. Davis, my name's Tom Mills. I represent Gary Karr,
13 who's one of the individuals I believe you picked out as
14 having seen around the complex.

15 A. Yes, sir.

16 Q. All right. Do you recognize him -- do you recognize
17 anybody in the courtroom as having been one of the individuals
18 that you saw there?

19 A. I believe that's him over there.

20 Q. All right. Would you stand up? That man?

21 A. Yes, sir.

22 Q. All right. On how many -- let me ask you this: Some
23 people might have recognized Madalyn Murray O'Hair from having
24 seen her in the news magazine or TV. Did you recognize when
25 you saw this elderly lady with the cane, did you attach some

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Davis - Cross

1 significance to that or --

2 A. Just to give you a little bit of a time line, you know, it
3 jarred that, you know, I know this person, you know, but I
4 didn't really -- you know, you don't stare. I just thought
5 that I recognized her.

6 Q. All right.

7 A. And then, several months later, I think is when, as I
8 recall, the Internal Revenue Service seized her furniture and,
9 maybe, her home, and it was all that stuff went to Gaston, she
10 and the auction company in Pflugerville. Then, it was
11 sometime after that that they put in the Chapter 7, I
12 remember.

13 And Bob Sheehan said, "Did you know that the" -- and
14 Bob Sheehan's the auctioneer that had all the stuff, and he
15 said, "Did you know the O'Hairs were living in San Antonio
16 when they disappeared?" And I said, you know, "She lived next
17 door to me." And he thought I was kidding. You know, he made
18 a joke of it, and I couldn't convince him. I said, "They're
19 there. I saw, they were there."

20 And that's in all honesty when I put it all together,
21 but I just never --

22 Q. About how many times do you recall having seen her walking
23 around?

24 A. Definitely once. And again, you know, I knew where they
25 lived because I went out there with the agents, and I showed

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Davis - Cross

1 the agents, you know, where they lived. So I knew where they
2 lived, and that was the only reason I would know is either saw
3 her or her son or this gentleman going in or out. And that's
4 -- but to say I saw her multiple times, no, you know, I don't
5 recall that.

6 Q. Did you ever see another female going in-and-out of that
7 apartment? It was No. 11.

8 A. No, sir, I don't recall.

9 Q. All right. The man that was with her that you think was
10 Jon, was he kind of a tall guy?

11 A. He was taller than her.

12 Q. Okay. And the third person --

13 A. I mean, you know, maybe this much taller than her. I'm
14 trying -- you know, it's been a while. And the third person,
15 I just don't recall. I don't remember. I thought about that
16 about who -- it was a man, but I don't recognize him as this
17 gentleman here or either one of these or any of these other
18 people -- this other man. I don't recall it being either one
19 of these guys.

20 Q. Okay. You used the phrase that you looked -- "I remember
21 looking at her face very clearly." Okay. Did she appear to
22 be -- to have any kind of expression on her face that alarmed
23 you?

24 A. Oh, no, sir. It was more of a pain expression like I
25 think -- it's, like, maybe she may have stepped wrong and they

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Davis - Cross

1 were helping her or, you know, it wasn't like I didn't -- I
2 didn't ever get the sense of anything that was going on there
3 that there was any kind of problem. I mean, it wasn't unusual
4 to see people going in and out of apartments around there.

5 So there's nothing that I would -- and I get triggered
6 by this stuff because I've been around a few unusual
7 situations before, so I'm aware of -- I think I like to think
8 I'm aware of my surroundings, what's going on.

9 Q. All right. There is a tennis court there or there was a
10 tennis court there, was there not?

11 A. Yes, sir.

12 Q. Do you ever remember seeing this man playing tennis?

13 A. No, sir.

14 Q. Do you remember ever seeing anybody play tennis?

15 A. Seems like they took them out after a while. I remember
16 the courts being there. I don't know. I may have --

17 Q. How long were you there?

18 A. Thirteen or 14 months.

19 Q. All right. Do you remember seeing any kind of little
20 personal items on the windowsill of 11, kind of like little
21 things that you kind of put your own identity on a place,
22 little knickknacks or anything?

23 A. I thought there was. In one of those apartments -- their
24 apartment was past where the stairs went down, and I went down
25 there occasionally, and not very many people did that sort of

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Davis - Cross

1 thing. But it may have been the apartment before. They were,
2 like, the third one away from me, I think, second or third
3 one.

4 Q. And during that period of time, there was a maintenance
5 fellow who painted the frames of the doors on the apartments
6 in the complex, was there not?

7 A. Yes, sir.

8 Q. And did they do that on the one you were living in?

9 A. Yes, sir.

10 Q. And to do that, was it necessary to open the doors so that
11 he could paint the frame?

12 A. Yes, sir.

13 Q. Where the frame's painted on the inside as well as the
14 outside?

15 A. I think so. I will say, you know, the time -- I got to
16 thinking about that. He was -- they didn't start doing that.
17 That guy at that time that did the painting, he worked over at
18 the Pilgrim's Cleaners across the street. He didn't start
19 working the maintenance at the apartment probably sometime
20 during the winter. So it probably wasn't the spring until
21 they started painting those doors.

22 Q. All right. You don't know his name?

23 A. No, sir, but he worked at the Pilgrim's Cleaners, and
24 then, he went from there to do maintenance there at the Warren
25 Inn.

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Davis - Cross

1 Q. All right. Were you -- was there an apartment between the
2 one where you lived and the one that the O'Hairs and others
3 lived in?

4 A. Yes, sir.

5 Q. So you couldn't hear activity in the room?

6 A. No, sir.

7 Q. Did you -- of course, reading from some notes about
8 interviews with you, you went down one time to the Bonnie
9 Jean's?

10 A. Yeah, yes, sir.

11 Q. And it was in -- it is -- may be 100 to 200 yards down the
12 street or shopping center from the complex, the Warren Inn?

13 A. Yes, sir.

14 Q. And it's a pleasant-looking place from the outside, isn't
15 it?

16 A. Looks like part of a strip center.

17 Q. All right. It did not turn out to be your favorite place
18 to have a beer?

19 A. I didn't stay. I just went in and I left. I didn't stay.

20 Q. Okay. Did you ever see Ms. O'Hair in there?

21 A. No, sir.

22 Q. That's all the questions that I have. Thank you.

23 MR. D. MILLS: May I have just one moment, your Honor?

24 THE COURT: Yes, sir.

25 MR. D. MILLS: No further questions, your Honor.

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Davis - Cross

1 THE COURT: May this witness be excused, counsel?

2 MR. D. MILLS: Yes, your Honor.

3 MR. T. MILLS: Yes, sir.

4 THE COURT: You may be excused. Call your next
5 witness.

6 MR. CARRUTH: Alice Petry, your Honor.

7 THE COURT: Members of the jury, I've been advised by
8 Ms. Sims, we haven't had an afternoon break. I thought we had
9 two or three, but I guess not, so I'm going to let you go for
10 15 minutes. You can go outside, stretch around, do whatever.
11 Be ready to come back in 15 minutes.

12 (Recess.)

13 THE COURT: I know it's right about now, members of
14 the jury, you wonder if I have a wrist watch. I do have a
15 wrist watch, but it was Judge Capelle's birthday today, and I
16 was compelled to run up there and say happy birthday to a
17 person 20 years younger than I am.

18 So anyway, that's why there's a small delay. You may
19 call your next witness.

20 MR. CARRUTH: Government calls Alice Petry to the
21 stand.

22 THE COURT: If you'll just come forward. This is Mrs.
23 Sims. She's going to administer an oath to you.

24 (Witness was sworn.)

25 THE COURT: Now you need to walk, follow the Security

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Petry - Direct

1 Officer, please. If you'll tell us, please, ma'am, your full
2 name and spell your last.

3 THE WITNESS: My name is Alice Petry, P-E-T-R-Y.

4 ALICE PETRY, called by the Government, duly sworn.

5 DIRECT EXAMINATION

6 BY MR. CARRUTH:

7 Q. Ms. Petry, would you please tell the jury where you live
8 and how you're employed?

9 A. I live in San Antonio, Texas, and I work at a travel
10 agency. I own a travel agency.

11 Q. And the name of that travel agency?

12 A. Petry Travel Agency.

13 Q. All right. How long have you been involved in the travel
14 agency business, ma'am?

15 A. Thirty years.

16 Q. And this the same location on Callaghan Road in San
17 Antonio?

18 A. Yes, I had that location, and one on Basse Road, which I
19 have closed in the last year.

20 Q. Okay. Let me direct your attention back to September the
21 21st, 1995, and show you what's been marked for identification
22 purposes as Government Exhibit W47-7. Do you recognize that,
23 ma'am, as a travel itinerary that was issued by your office
24 for a trip booked back on the date that I just mentioned,
25 September 21, 1995?

Petry - Direct

1 A. Yes, I do. I actually wrote that.

2 Q. You did that yourself?

3 A. Yes, I did.

4 Q. And does that relate to a Mr. Jon Garth Murray and a Mr.
5 Conrad Johnson?

6 A. Yes, it does.

7 Q. We'd offer Government's Exhibit W74-1.

8 MR. T. MILLS: No objection.

9 THE COURT: Received.

10 Q. (BY MR. CARRUTH) Please take that out of the envelope, now
11 that it's in evidence, ma'am, and let's talk about it a few
12 minutes. Did you say you personally handled this transaction?

13 A. Yes, I did.

14 Q. And how are you able to tell us that, ma'am?

15 A. Salesperson agent 35, that's me.

16 Q. And do you happen to know what day of the week this might
17 have been?

18 A. Oh, no.

19 Q. Okay. Can you tell me whether or not the reservation for
20 the flight was made the same day as the flight was scheduled?

21 A. I'm sorry. I can tell. It was a Thursday. He bought the
22 ticket the same day and left.

23 Q. And was there anything unusual about that? Is that the
24 way most folks book airline tickets?

25 A. That's very unusual and it's a very expensive ticket.

Petry - Direct

1 Q. And how much did Mr. Murray pay for those tickets?

2 A. 1177 per person, \$1,177.

3 Q. And was it scheduled for a return flight the following
4 day, September 22nd?

5 A. Yes, it was.

6 Q. And was that via Continental Airlines?

7 A. Yes, it is.

8 Q. From San Antonio to Houston and into Newark, New Jersey?

9 A. Correct.

10 Q. On this September 21st, 1995 with the return on the same
11 day -- the following day --

12 A. The following day.

13 Q. -- 22nd. Again, the name of the parties traveling were?

14 A. Jon Murray and Conrad Johnson.

15 Q. And, ma'am, was this before the time that travelers on
16 airlines were required to show their photo identification to
17 prove the identity, or do you know?

18 A. I don't think so -- I think it was already in effect.

19 Q. You do, but you're not sure about that?

20 A. No, I'm not.

21 Q. Did you see any identification of either these individuals
22 or is there any identification in your file that would enable
23 you to say these individuals were who they claimed to be?

24 A. Well, when I took the credit card, you know, there's a lot
25 of -- not very many people pay this much, you know, and so I

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Petry - Direct

1 looked at the credit card and that is the way it read. And I
2 asked for -- generally I don't take a credit card unless I
3 know it's the right person.

4 So I apparently wrote this just the way it was on the
5 credit card.

6 Q. And would you read what you wrote, please, that was on the
7 credit card?

8 A. Jon Garth Murray, SOC Separationists.

9 Q. Society of Separationists?

10 A. Okay.

11 Q. Was that an American Express card that was used?

12 A. It was an American Express, yes.

13 Q. Okay. So Mr. Murray paid for both tickets, correct?

14 A. Correct.

15 Q. And Mr. Conrad Johnson, other than the fact that he's
16 listed as another passenger, he did not do any financial
17 transactions at that time with your agency?

18 A. No, he did not.

19 Q. Okay. Do you remember or have an independent recollection
20 of almost five years later of that transaction because of its
21 significance because of the large amount involved?

22 A. Well, I don't have a personal recollection, no, but I can
23 read the information on it.

24 Q. Do you recall whether or not Mr. Murray came in alone or
25 was he accompanied by this other individual?

Petry - Direct

1 A. No, I couldn't tell you that.

2 Q. And which of your two locations was this transaction?

3 A. He came into the Basse Road office.

4 Q. And for those of us not familiar with San Antonio, can you
5 tell me in what quadrant of San Antonio that is?

6 A. Well, it's Northeast Alamo Heights.

7 Q. Okay. Alamo Heights area?

8 A. It's actually Lincoln Heights, Alamo Heights area.

9 Q. Okay. And can you tell what time of day or evening or
10 afternoon this was, morning or afternoon?

11 A. Well, the flight left at 5:00.

12 Q. Can you tell when the tickets were purchased?

13 A. No, I can't.

14 Q. Sometime prior to 5:00?

15 A. It's available -- I could go back and find out, but -- to
16 see if it was early in the day.

17 Q. Could you do that with a phone call?

18 A. No.

19 Q. You're the only one --

20 A. Well, I mean, it's not a real quick phone call because
21 they're going to have to find these '95 records, and we may
22 not have them.

23 Q. Could you check when you go back --

24 A. Actually, I could tell you exactly because I do have
25 microfiche.

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Petry - Direct

1 Q. Think we would like to know that, ma'am, if you could,
2 when you're through testifying today, if you return home,
3 maybe you could fax them.

4 A. I could call and have them pull up the microfiche and see
5 exactly. We do have microfiche.

6 Q. But it's your testimony it was unusual for that large
7 amount of cash, leaving the same day the tickets were
8 purchased?

9 A. I think so.

10 Q. Sort of like the travelers were in a hurry to get where
11 they were going, correct?

12 A. I would think so.

13 Q. Had you ever done any business with Jon Garth Murray
14 before, or the Society of Separationists?

15 A. No. And it didn't ring a bell to me at that point, no.

16 Q. Did these individuals just walk in off the street or did
17 they call ahead or do you remember?

18 A. Well, I understand they called us.

19 Q. And that's based upon --

20 A. Yes, because -- well, I was informed that he had made a
21 phone call to us.

22 Q. Okay.

23 A. And that's why we were supposed to look for some -- you
24 know, we wrote a ticket for them.

25 Q. And that's the only time you've ever handled any travel

Petry - Cross

1 you can recall for this particular --

2 A. That's the only time.

3 Q. Either of these particular individuals, Jon Garth Murray
4 or Conrad Johnson?

5 A. That's the only time.

6 Q. Thank you. Pass the witness.

7 CROSS-EXAMINATION

8 BY MR. T. MILLS:

9 Q. You were asked by Mr. Carruth whether or not -- I don't
10 remember the exact question that he used. He used the plural
11 individuals in your office. Do you actually remember whether
12 or not there were -- whether there was one person, two people,
13 three people?

14 A. No, I don't.

15 Q. All right. When you have been interviewed previously by
16 any law enforcement agents, have you been shown any pictures
17 of people to see if you recognize individuals?

18 A. No, not by law enforcement agent.

19 Q. By other people?

20 A. Yes.

21 Q. Who else has interviewed you?

22 A. Well, not interviewed. I was shown some photographs if I
23 could place anybody and I could not.

24 Q. Okay. What was that, by journalists?

25 A. Yes.

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Petry - Cross

1 Q. Okay. Mr. McCormick, again?

2 A. Possibly -- yes.

3 Q. Speaking -- yes, ma'am. Now, I notice that this itinerary
4 has Hotel Newark?

5 A. Correct.

6 Q. And it has listed the Sheraton, Tara or Tara Hotel,
7 Parsippany, correct?

8 A. Correct.

9 Q. And that indicates that when the ticket was purchased or
10 the tickets were purchased, that the individuals must have
11 made reservations already at the Sheraton Hotel there because
12 they knew to give you that and even the confirmation number at
13 the hotel, correct?

14 A. I made this reservation.

15 Q. You made the reservation while --

16 A. They were there.

17 Q. Okay. Now, let me ask you, again, and I don't mean to be
18 picky, but was it really they were there?

19 A. Well, no. You know what? I think they were, too, because
20 I'm looking at this and I knew to say request two beds. You
21 know, I presume two men are going to be in this room, I guess
22 we need two beds.

23 Q. Unless one man said I need two beds?

24 A. He could have. That could have happened.

25 Q. Okay. All right.

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Petry - Redirect

1 A. But that's a little bit out of the ordinary there.
2 Q. All right. Until you were questioned or interviewed or
3 several years later, there was nothing that caused this to
4 seem odd or unusual enough for you to attach any importance to
5 it at the time, right, other than it was an expensive ticket?

6 A. Correct.

7 Q. Okay. You don't remember thinking this person or these
8 people who are buying these tickets looked like they were in
9 danger?

10 A. No.

11 Q. That's all the questions I have. Thank you.

12 RE-DIRECT EXAMINATION

13 BY MR. CARRUTH:

14 Q. Counsel asked you about this reservation that you said you
15 made at the hotel in Newark. Can you tell us what the rate on
16 that room was, please, ma'am, for that one night?

17 A. \$125.

18 Q. And do you normally make hotel reservations for your
19 customers, or would this have been a special request?

20 A. No, this is pretty common. And I also made a car rental
21 reservation for them.

22 Q. For Budget Rent-a-Car?

23 A. For Budget Rent-a-Car.

24 Q. And can you tell from that what type of vehicle they
25 rented?

Petry - Redirect

1 A. An intermediate mid-size.

2 Q. Okay. And they specified they wanted a room with two
3 beds?

4 A. Yes, because that was a special request. Generally we
5 just put in the reservation and put the credit card because a
6 guarantee at arrival, and then, as a remark, I said request
7 two beds.

8 Q. And I believe you told us earlier that the flight left at
9 -- did you say 4:40 p.m?

10 A. 5:00.

11 Q. And what time would it have arrived in Newark, New Jersey?

12 A. 11:14 p.m.

13 Q. And that's why you had to confirm the late arrival?

14 A. Correct.

15 Q. And the return flight the next day, the 22nd, what time
16 were they scheduled to fly out of Newark?

17 A. That was at 4:40 p.m.

18 Q. P.m?

19 A. Yeah.

20 Q. And what time would they have arrived in San Antonio?

21 A. 8:52 p.m.

22 Q. How far is your office located from the San Antonio
23 International Airport?

24 A. Probably ten minutes.

25 Q. Okay. Could they not have done the same thing that your

Coryell - Direct

1 agency does by going directly to the airport and booking these
2 with the carrier, Continental Airlines?

3 A. Yes, they could have.

4 Q. Pass the witness.

5 MR. T. MILLS: No questions.

6 THE COURT: May this witness be excused?

7 MR. CARRUTH: Yes, sir.

8 MR. T. MILLS: Yes.

9 THE COURT: You may be excused. Call your next
10 witness.

11 MR. CARRUTH: Call Dale Coryell, please.

12 (Witness was sworn.)

13 THE COURT: Follow the Security Officer. Please tell
14 us your full name and spell your last name.

15 THE WITNESS: Dale Douglas Coryell, C-O-R-Y-E-L-L.

16 THE COURT: Proceed.

17 DALE DOUGLAS CORYELL, called by the Government, duly sworn.

18 DIRECT EXAMINATION

19 BY MR. CARRUTH:

20 Q. Mr. Coryell, tell the members of the jury where you reside
21 and what your business or occupation is, sir.

22 A. I reside at 11001 Research Boulevard.

23 Q. And that's here in Austin, Texas?

24 A. Yes, it is. And it's Public Storage, mini-storage
25 facility that my wife and I manage.

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Coryell - Direct

1 Q. And how long have you been involved in the public storage
2 business, sir?

3 A. Nine years.

4 Q. Okay. And that's located out on -- what's the address?

5 A. 10931, basically the same as us, as my home address.

6 Q. Okay. You live on the premises, then?

7 A. Yes.

8 Q. Let me show you what's been previously introduced as
9 Government Exhibit W55-4, and I'll ask you if that reflects
10 the Public Storage facility that you're referring to?

11 A. No, sir. This is the -- currently, I'm at the one on
12 Research.

13 Q. In 1995, were you located at this one?

14 A. Right.

15 Q. Okay. Now, there's been some prior testimony that the
16 unit indicated in that photograph was rented back on September
17 the 26th of 1995 by a man named Gerald L. Osborne. Would you
18 take a look at what's been admitted as W55-1 and pull it out,
19 see if that refreshes your memory on this, please, sir?

20 A. It's correct. It's one of our leases.

21 Q. Were you involved in any way in the rental of that lease?

22 A. Yes, sir, I was in the office. My wife actually signed
23 the lease, but I was in the office at the time the gentleman
24 came.

25 Q. Do you remember talking to this man depicted in W11-4, who

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Coryell - Direct

1 rented that unit?

2 A. I couldn't say for sure.

3 Q. Couldn't say for sure. Do you remember where the man was
4 from?

5 A. He indicated he was from Fort Worth area.

6 Q. Did he indicate to you why it was he was renting that
7 storage unit?

8 A. Said he was moving down -- they were moving down to the
9 Austin area from Fort Worth.

10 Q. Okay. And by that, you believe that he was going to store
11 some household goods, furniture in there; is that correct?

12 A. That's correct, yes, sir.

13 Q. Did you ever see that man again in or near that storage
14 unit?

15 A. Yes, I did. While I saw him drive in a couple of times in
16 his pickup.

17 Q. What type of pickup was this man driving?

18 A. It was a tan -- not sure of the make. I think it was a
19 Chevrolet, but I'm not sure, but a tan pickup.

20 Q. You saw him drive in and he would have had access to the
21 gate code to do that; is that right?

22 A. That's right.

23 Q. Saw him drive in a couple of times?

24 A. Right.

25 Q. And when is the next time you saw him, sir?

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Coryell - Direct

1 A. Well, I'm not sure, you know, two or three or four times
2 that I saw him coming in and out of the gate. Then, I saw him
3 down at his unit one time --

4 Q. Okay.

5 A. -- also.

6 Q. And on this occasion, were you driving around the grounds
7 in your golf cart, kind of checking on things?

8 A. That's correct, right.

9 Q. And what did you see when you encountered that unit that
10 this man from Fort Worth had rented?

11 A. Well, the reason it had caught my attention, there was a
12 couple of pickups there, his pick up and another pick up
13 beside the unit. And I was on the golf cart going the
14 opposite direction, and there's a slant for drainage, so I was
15 a little bit below the unit level.

16 At that time, I saw inside the unit, I saw some
17 barrels that had caught my attention because I knew that he --
18 I was assuming that he was going to store furniture, and it
19 caught my attention that there were some barrels in there and
20 I might get a little nervous when I saw things like that,
21 afraid that somebody's storing something they shouldn't be
22 storing.

23 Q. Okay. And is it true that your rental agreements then, as
24 they do now, prohibit the storage of any hazardous waste
25 material?

Coryell - Direct

1 A. Right.

2 Q. And were you concerned that something of an illegal nature
3 might be contained within those barrels?

4 A. Right, or something that might leak into another unit and
5 harm somebody else's property or something.

6 Q. All right, sir. Did you stop to investigate or make
7 inquiry as to what the men had in the barrels?

8 A. No, I didn't.

9 Q. And did you recognize one of the men, at least, as the man
10 who had rented the storage unit?

11 A. I believe so, yes.

12 Q. And could you give us a general description of the two
13 other men that were with him?

14 A. Well, they were Caucasian, probably in their 40s, fairly
15 -- that's about as far as I know. One of the gentleman, I
16 noticed, I recall had had a thick head of hair. I don't
17 really know that much, you know, other than that.

18 Q. And do you recall how the men were dressed?

19 A. They had, I think, just normal what you see around town,
20 jeans and shirts.

21 Q. And do you recall whether or not -- or what type of
22 footwear the men were wearing?

23 A. I do not.

24 Q. Okay. Did you exchange greetings or speak to these men?

25 A. I think -- I'm sure I spoke to them. I believe I just

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Coryell - Direct

1 probably said, you know, hello, how's it going, not long
2 enough to see what was going on.

3 Q. Do you recall in the morning or afternoon this might have
4 occurred?

5 A. I think before lunch. We don't open till 9:30, so it
6 could have been -- I think it was the morning, though.

7 Q. Now, you told one of the agents when you were interviewed
8 that the barrels appeared to be oversized. What did you mean
9 by that, sir?

10 A. Well, it just looked to be a little bit larger than a
11 normal 55-gallon barrel.

12 Q. Okay. And do you recall the type of construction of these
13 barrels, what they could have been made of, or did you see
14 them that closely?

15 A. No. As far as I can recall, I think I was thinking that
16 they were some other material, maybe, than steel. That they
17 might have been plastic or something else. When I think of an
18 oil drum, I think of a closed oil drum with a bung hole on it.
19 I know these were different because or -- or at least one of
20 them is different because the lid was off. It's the type that
21 had a ring around it.

22 Q. Okay. Do you happen to recall what color these barrels
23 were when you saw them?

24 A. I thought one of them was blue.

25 Q. Okay. And you say there were two barrels. Could there

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Coryell - Direct

1 have been other barrels inside the unit?

2 A. Sure. There could have been things in the back of the
3 unit. The light is not too good in the back.

4 Q. Okay. And what did these three men appear to be doing
5 when you drove up? Were they unloading the barrels out of the
6 trucks in the unit, or did they appear to be taking the
7 barrels out of the unit and loading them into the trucks?

8 A. I don't think they were doing anything with them. One was
9 at the back of the pickup and walked over towards the other
10 ones, and I thought maybe I saw the, you know, lid popped on
11 one, leaning at a 45, or so forth. I don't think they were
12 loading them or unloading them to my knowledge.

13 Q. They just stood there as you drove by?

14 A. Right.

15 Q. And do you recall whether or not the tailgate on either of
16 the pickups was down?

17 A. No, I don't.

18 Q. Okay. When was the next time that you saw any of these
19 three men again, including the man who rented the storage
20 unit?

21 A. I don't recall. I'm sure I probably saw one or two of them
22 again, but I don't recall. Maybe I didn't. I just have no
23 recollection.

24 Q. I believe the jury heard a prior witness had testified
25 regarding your entry and exit system.

Coryell - Direct

1 A. Uh-huh.

2 Q. And just to clarify that, this required an electronic code
3 to be punched in --

4 A. Right.

5 Q. -- to gain entry. And that was electronically recorded on
6 a tape like a cash register tape?

7 A. That's correct.

8 Q. But is it possible to tailgate someone else through
9 without having to key in the code?

10 A. Without having the code, that's possible.

11 Q. Have you ever seen that occur during the years you've been
12 there?

13 A. Sure, very -- happens more than we like.

14 Q. Do you tend to discourage that?

15 A. Yes, sir.

16 Q. And why is that, sir?

17 A. Well, we want a record of who was there and who was not
18 there, and we don't want anyone on the property that doesn't
19 belong there.

20 Q. All right, sir. And I believe you describe this -- one of
21 these males as a working man, redneck type. Do you stand by
22 that statement today?

23 A. Yes -- well, I guess so. I guess so, yeah.

24 Q. Okay. From Fort Worth area?

25 A. I do, yes, sir.

Coryell - Cross

1 Q. Thank you, sir. Pass the witness.

2 THE COURT: Any questions?

3 MR. T. MILLS: Yes, sir.

4 CROSS-EXAMINATION

5 BY MR. T. MILLS:

6 Q. Mr. Coryell, my name is Tom Mills. I represent Gary Paul
7 Karr in this case. And I am -- have had the benefit of
8 looking at some notes of your interview in the past. Do you
9 recall -- I know this is 1995 that we're asking you to
10 remember.

11 In addition to there being four -- three or four years
12 of time since this happened, did you attach any particular
13 significance to this event? In other words, was this a big
14 deal back then when it happened.

15 A. No -- well, it's just that it was out of the ordinary, and
16 I have a ten -- I like to notice things out of the ordinary.
17 And to call the EPA or something like that, no, I didn't do
18 anything if that's what you're asking.

19 Q. Well, you were driving by in your golf cart?

20 A. Right.

21 Q. Let me show you what's in evidence as D7 -- whoops.
22 Defendant's Exhibit No. 8, and it's a picture of some units.
23 This one has No. 52 on it. Is that what you're -- what the
24 unit was that you're talking about?

25 A. Right.

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Coryell - Cross

1 Q. All right. I'm putting my forefinger on it.

2 A. Okay.

3 Q. All right. So when you drove by in your golf cart, were
4 you able to look directly into the storage unit or were you at
5 an angle?

6 A. I would be able to look directly into it. There was a
7 pickup setting there, though, that I could look directly into
8 the unit.

9 Q. All right.

10 A. It was a little lower -- I was a little lower than the
11 floor of the unit because of the drainage area.

12 Q. Was the -- were there two pickups there?

13 A. Yes.

14 Q. And one was tan and you don't remember the color of the
15 other one?

16 A. I think it was a medium blue.

17 Q. Medium blue.

18 A. Or white, maybe two-tone white top.

19 Q. All right. And were they parked -- was the door raised?

20 A. Yes.

21 Q. All the way up?

22 A. Yes, sir.

23 Q. And were the pickup trucks parked side-by-side or in the
24 end?

25 A. In the end.

Coryell - Cross

1 Q. But you could see over the back of the pickup truck to the
2 back of the storage unit?

3 A. I sure could.

4 Q. All right.

5 A. One of the pickups was not fully blocking it either.

6 Q. All right. And as I recall, the golf carts there don't go
7 real fast.

8 A. That's true.

9 Q. So you drove by, made your observations. Did you stop?

10 A. I could have but not -- you know, let off on the gas well
11 enough to say hello and greet the gentlemen and --

12 Q. But you didn't make specific inquiry like, "Hey, Bud, what
13 you got in the barrels?"

14 A. No, I did not.

15 Q. And -- do you recall that barrel that the men appeared to
16 be between 45 and 55?

17 A. Could be.

18 Q. Do you recall that one of the men had a lot of black
19 wind-blown hair?

20 A. Yes, I do recall that.

21 Q. Do you recall this man as being one of the men there?

22 A. I could not say for sure.

23 Q. All right. You'll agree that at least at this point, he
24 does not have black hair, it's gray?

25 A. I agree with that.

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Coryell - Cross

1 Q. All right. Looking at Government Exhibit W11-5,
2 parenthesis 4, this is just a side picture of a man, but from
3 the side view, can you tell if that man appears to be someone
4 that was there?

5 A. I couldn't tell.

6 Q. Okay. Do I understand -- tell me again where the barrels
7 that you saw were.

8 A. They were over to the -- looking into the unit from my
9 vantage point, they would be on the left-hand side, left-hand
10 side of the unit.

11 Q. All right.

12 A. About probably two or three feet inside the door.

13 Q. All right. And you recall that one of them, you think,
14 was blue?

15 A. (Moving head up and down.)

16 Q. Yes?

17 A. Yes.

18 Q. And you don't recall whether the other one -- you don't
19 recall what color the other one was? No?

20 A. I don't recall how many they are. It was two or more.

21 Q. All right. There may have been half a dozen?

22 A. It's possible. I doubt it. There's limited space in
23 there.

24 Q. Well, there may have been three or four?

25 A. Could have been.

Coryell - Cross

1 Q. Okay. And -- you don't remember if all the barrels -- or
2 maybe you don't remember. Did you get a good enough view to
3 know that all of them were exactly the same kind of barrel or
4 container?

5 A. No, I didn't.

6 Q. Let me show you a photograph and ask you if this kind of
7 container might have been one of the kinds of containers?

8 A. No, I don't recall seeing anything like that.

9 Q. All right. Does the storage facility have the right to go
10 in there and when the tenant is locked up, when the property's
11 locked up, unit's locked up and use the key to examine what's
12 in there?

13 A. No.

14 Q. Do you happen to remember how long that particular storage
15 unit No. 52 was leased by this man who said he was from Fort
16 Worth?

17 A. No, I don't.

18 Q. Do you ever remember going into unit No. 52 on any other
19 occasion in 1995?

20 A. In 1995?

21 Q. Yes.

22 A. Sure. I cleaned it for the men who rented it and I
23 cleaned it after they left.

24 Q. Do you remember if that man left in 1995?

25 A. No, I'm not positive. I think so.

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Coryell - Redirect

1 Q. Do you remember there being a giant amount of -- a giant
2 amount or less, any amount of what appeared to be blood stains
3 on the floor of the unit?

4 A. No.

5 Q. That would be something you probably would remember,
6 wouldn't it? Catch your attention?

7 A. Well, blood stains could turn dark, and I wouldn't know it
8 as a blood stain. I mean, I don't think I would.

9 Q. Well, do you remember any dark stains in that unit when
10 you cleaned it up?

11 A. Sure. That place was built in 1982, so there had been
12 stains over the years. There had been people moving in and
13 out. It's not uncommon.

14 Q. All right. That's all the questions I have. Thank you,
15 sir.

16 RE-DIRECT EXAMINATION

17 BY MR. CARRUTH:

18 Q. When you clean out those storage units, do you use Clorox
19 Bleach?

20 A. No, I don't.

21 Q. Is it uncommon for a tenant to clean out their own storage
22 unit before it's returned at the conclusion of the rental
23 period?

24 A. Is it uncommon?

25 Q. Yes.

Coryell - Redirect

1 A. Yes. Occasionally, somebody might sweep one, but not very
2 often.

3 Q. So normally, you have to go in and clean up after them.

4 A. (Moving head up and down.)

5 Q. Do you recall whether this particular unit 52 was already
6 cleaned when you went in there?

7 A. If I recall correctly, it was clean.

8 Q. It had been cleaned. Now, can you tell us a little bit
9 more about this tan pickup? Was it old or new?

10 A. A newer one.

11 Q. A newer tan pickup?

12 A. Nearly three-quarter ton, fairly good size.

13 Q. What about the other truck? Was it a old or newer truck?

14 A. I recall it to be an older, two-tone, blue and white top,
15 older.

16 Q. Now, counsel asked you to have his client stand up and
17 take a look at his hair, which is mostly gray now. Take a
18 look at W11-2, the way he appeared back in 1995. Does the man
19 depicted there have black wind-blown hair?

20 A. Similar hair.

21 Q. Similar hair. Would you hold that up and show it to the
22 jury, please? And how about this man in W11-3? Does he
23 appear to have black, wind-blown hair?

24 A. I recall it being bushier than this.

25 Q. Bushier than this, more like the first one you held up?

Coryell - Redirect

1 A. Yes, sir.

2 Q. Okay. And how about this photograph here, W11-14? Do you
3 recognize any of the individuals in that photograph?

4 A. I couldn't say.

5 Q. Okay. Thank you, sir. Pass the witness.

6 MR. T. MILLS: Can I see the picture of Mr. Karr? I
7 don't have any other questions of this witness.

8 THE COURT: May the witness be excused?

9 MR. CARRUTH: Yes, your Honor.

10 MR. T. MILLS: I would like him to be on call. I
11 might have some other questions when we get another
12 photograph.

13 THE COURT: Plan on being here next week.

14 THE WITNESS: There's some doctors appointments. I'd
15 be leaving town.

16 THE COURT: What they're saying is they're not
17 releasing you, but I didn't want to keep you down here at the
18 courthouse. If they need you, do they have your telephone
19 number?

20 THE WITNESS: Yes, sir.

21 THE COURT: They can call and you'll come in?

22 THE WITNESS: Yes, sir.

23 THE COURT: All right. You may be excused for the
24 day.

25 MR. CARRUTH: Your Honor, I'm advised Ms. Petry of

Petry - Redirect

1 Petry Travel Agency is back with the time of the reservation
2 that she promised us. If we could recall her at this time.

3 THE COURT: Ms. Petry, if you'll come up and take your
4 seat, ma'am. State your name again, please.

5 THE WITNESS: Yes, Alice Petry.

6 THE COURT: You remain under oath.

7 RE-DIRECT EXAMINATION

8 BY MR. CARRUTH:

9 Q. Ms. Petry, you left the courtroom a few moments ago and
10 indicated you were going to attempt to make a phone call and
11 try to find out what time the airline reservations were made
12 on September 21st, 1995 for the flight from San Antonio to
13 Newark, New Jersey by Mr. Jon Murray and Conrad Johnson. Have
14 you been successful in doing that?

15 A. Yes, I did.

16 Q. And can you tell us, please, what time the reservations
17 were made in your office?

18 A. At 2:42.

19 Q. 2:42 p.m?

20 A. Yes.

21 Q. For a flight that left just before 5:00?

22 A. At 5:00.

23 Q. Thank you. Pass the witness.

24 MR. T. MILLS: No questions.

25 THE COURT: You may be excused at this time.

Wilson - Direct

1 MR. D. MILLS: Penny Wilson, your Honor.

2 THE COURT: This is Mrs. Sims. She's going to
3 administer an oath to you, ma'am.

4 (Witness was sworn.)

5 THE COURT: Follow the Security Officer. If you'll
6 tell us your name, please, ma'am, and spell your last name.

7 THE WITNESS: Yes, Penny Wilson, W-I-L-S-O-N

8 PENNY WILSON, called by the Government, duly sworn.

9 DIRECT EXAMINATION

10 BY MR. D. MILLS:

11 Q. Would you tell the jury where you live, ma'am, and how
12 you're employed, please?

13 A. I live in Austin, Texas. You need the address?

14 Q. That's fine.

15 A. Okay. And I'm employed at Don Wilson Jewelers, Burnet
16 Road.

17 Q. And what do you do in the -- in that employment?

18 A. Just a little of everything.

19 Q. So are you a jeweller by trade?

20 A. No. I do sales, bookkeeping, stringing of beads, taking
21 in watch repair, jewelry repair.

22 Q. How long have you been in that business?

23 A. Twenty-five years, as of April 1st.

24 Q. There's a document in front of you with a bunch of
25 invoices. Are you familiar with those?

Wilson - Direct

1 A. The blue job envelopes?

2 Q. Yes, ma'am.

3 A. Yes, sir.

4 Q. And could you tell the Court Reporter and the jury the
5 exhibit number that's on that? W --

6 A. Okay. The first one is 25 --

7 Q. No. On that envelope that says Government's Exhibit --

8 A. I'm sorry, yes.

9 Q. You could take it out. That's all right. I'm going to
10 ask you about it. But what's the exhibit number on the
11 envelope, the glassine envelope that it was contained in?

12 A. W59-1.

13 Q. Okay. And you've seen the documents that are in your
14 hand; is that correct?

15 A. Yes, I have.

16 Q. And they're your business records from your jewelry store?

17 A. Yes, sir.

18 Q. We'd offer W59-1, your Honor.

19 MR. T. MILLS: No objection.

20 THE COURT: Received.

21 Q. (BY MR. D. MILLS) Could you tell the jury what those
22 pieces of paper are and then, we'll go through each one of
23 them.

24 A. Yes. We take in watch repairs and these are the envelopes
25 we put the items in. And, like, this one says "Rolex," which

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U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS (AUSTIN)

Wilson - Direct

1 is the name of the watch that was taken in, and we describe
2 them. And this was the -- it also tells what was done to the
3 watch at the time it was being serviced.

4 Q. And you have a form number on the first one. I believe
5 it's form No. 2591; is that correct?

6 A. Yes, sir, that's correct.

7 Q. And would you tell the jury the date that that watch was
8 taken in for repair?

9 A. Okay. It looks like 12-26-89.

10 Q. And the owner of the watch is listed?

11 A. Jon Murray, and it has, also, O'Hair written on there.

12 Q. Do you know what type of Rolex watch it was?

13 A. Yes. This one -- it looks like the X was on the lady's
14 and it was a steel and gold.

15 Q. Now, I also place three other envelopes up there in front
16 of you. Now, you could put that down for just a minute.
17 Would you read the number -- look at 3 and see if you can --
18 if you know the persons depicted in those driver's license
19 photos.

20 A. Yes.

21 Q. And the first one is the photograph of?

22 A. Madalyn Murray O'Hair.

23 Q. And the exhibit number?

24 A. Is W1-56-A.

25 Q. All right. And the next one?

Wilson - Direct

1 A. This is Robin Murray.

2 Q. And it's -- the exhibit number?

3 A. W1-56B.

4 Q. And then, the last one?

5 A. Is Jon Murray.

6 Q. The exhibit number?

7 A. It's W1-56C.

8 Q. And you were familiar with these people; is that correct?

9 A. Yes, sir, they were customers.

10 Q. Okay. Now, the next blue form is No. 2664; is that correct?

12 A. Yes, sir.

13 Q. And --

14 A. This is --

15 Q. Go ahead. You can say --

16 A. Madalyn Murray is on this one. Again, it's a Rolex. It's a lady's steel and gold.

18 Q. And the date?

19 A. The date on this one is 9 -- looks like 9-10-96.

20 Q. Okay. And then, the next one?

21 A. Is job No. 3173 and it has Robin O'Hair Murray on it, and the date on it was 6-19-91, and it was a Rolex, lady's Rolex.

23 It was not checked, but I'm sure -- I know from my previous records it was a steel and gold, also. Do you want the next one?

Wilson - Direct

1 Q. Yes.

2 A. 3459 is Robin O'Hair, a Rolex, and the date on that is
3 8-11-90 and it was a lady's. It was a come back. And the
4 next one is 3465, M. O'Hair, and it was a lady's Rolex, steel
5 and gold, and the date on this one is 6-23-90.

6 Q. And the next one?

7 A. Is 3707, and the date on that was 8-26-91, again, a lady's
8 Rolex.

9 Q. Okay.

10 A. And then, the next one is 3708, Robin O'Hair, 8-26-91,
11 lady's Rolex.

12 Q. And the next one?

13 A. 3981, Robin O'Hair, it was -- I'm not quite sure of the
14 date. It looks like 11-26. There was no year put on there,
15 and it was a lady's Rolex.

16 Q. I believe it's the last one.

17 A. The last one is 4433, Jon Murray, and it was 12-16-92, and
18 it was a man's Rolex, gold, 18-karat gold.

19 Q. And do you know the approximate value of these watches?

20 A. Approximate because at the time we were not actually
21 carrying the watches, but on the dates from -- I think they
22 dated around in the late '80s, on the lady's steel and gold
23 would probably be \$2500, and John's -- I know John's was a
24 Gentleman's Presidential 18-karat gold because I checked on
25 here and I did this one, probably between 6 to \$7,000.

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WESTERN DISTRICT OF TEXAS (AUSTIN)

Wilson - Direct

1 Q. That's for the man's --

2 A. That's for the man's.

3 Q. -- watch? Okay. And then, the value of the ladies'
4 watches?

5 A. Probably \$2500 at that time.

6 Q. The form No. 3708, which is about the seventh item in the
7 package, is it -- work on more than one watch?

8 A. No. We try to always -- no. It would just be one. It
9 was probably next to the watch that was repaired prior because
10 it's got "come back," "CB," which means come back.

11 Q. Do you have some type of a log that you keep --

12 A. Yes.

13 Q. -- that corresponds with that?

14 A. Yes, sir.

15 Q. Did you bring that along?

16 A. Yes, sir, I did.

17 Q. Okay.

18 A. I've got it right here. I do have that. I think you may
19 have copies, also.

20 Q. Is the handwritten like --

21 A. Yes, it's handwritten.

22 Q. -- like these?

23 A. Uh-huh.

24 Q. And can you find these various entries in there?

25 A. Yes.

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Wilson - Direct

1 Q. Can you find the first one, which was, I believe, 2591, I
2 believe, is that the first one?

3 A. That was the first one. That was in 12 of '89, it looks
4 like. The pages are not in order.

5 Q. And on your handwritten notes, it shows it being --

6 A. It was taken in on 12-26 of '89.

7 Q. Okay.

8 A. And it corresponds with the No. 2591, and it's under Jon
9 Murray.

10 Q. Okay. And then, would you --

11 A. It was a two-tone. There's a double T, meaning a two-tone
12 Rolex.

13 Q. And then, would you find the next one of 2664 in your
14 handwritten notations? It's probably on the sixth page of
15 your --

16 A. Yeah, I may not have mine in order.

17 Q. Okay. Let me show you this one.

18 A. It might be -- if you know the date at the top.

19 Q. Does this appear to be your same handwriting?

20 A. Yes, same page. I should have marked them.

21 Q. Here it says --

22 A. 26.

23 Q. -- 2664?

24 A. Yes.

25 Q. What does it show?

Wilson - Direct

1 A. 9-8-90.

2 Q. What was the date on that that you earlier said? Was
3 it --

4 A. 9 -- I thought it was 9-10. It may be 9-20. It's kind of
5 smeared because this is a bottom copy. Sometimes the last
6 copy doesn't always come out.

7 Q. Did you originally say or did I just misunderstand you
8 said it was September 10th of 1996?

9 A. Yes, sir, but it's not --

10 Q. So it is --

11 A. It is 9-20 of '90.

12 Q. And it follows in the sequential order that these numbers
13 flow, does it not, in your handwritten notes?

14 A. Yes, uh-huh.

15 Q. So I'm asking you the question, when you were given the
16 date of 1996 was not accurate; is that correct?

17 A. That's correct, 6-62. It would be 9-20 of '90. Sometimes
18 the bottom copy, which this would be the last in carbon, does
19 not always come out.

20 Q. To your knowledge, did the O'Hairs -- any of the three
21 that you've identified in those driver's licenses, did they
22 have more than one Rolex watch?

23 A. Not that I know of. I know Jon had the President and
24 Madalyn and Robin each had a Rolex.

25 Q. Is there a distinctive feature about a Rolex Presidential

Wilson - Direct

1 -- President's watch?

2 A. Yes.

3 Q. And could you tell the jury what that distinctive feature
4 is?

5 A. They're 36 millimeters in size and they are an 18-karat
6 gold, and they're fairly heavy watches. They have a date at
7 the top -- or the day of the week at the top, and then, at the
8 three, they have the date.

9 Q. Do -- does the face of the watch come in different colors?

10 A. They do come in different colors. And that, I don't
11 remember.

12 Q. You don't have any indication what that was --

13 A. No, sir.

14 Q. -- on that one?

15 A. I don't know if it would have been on the back of the
16 watch repairs. Sometimes we do make comments on the back, but
17 it's not on this one.

18 Q. Okay. Pass the witness, your Honor.

19 MR. T. MILLS: No questions.

20 MR. D. MILLS: Call Corey Ticknor, your Honor. And
21 this witness may be excused.

22 THE COURT: You may be excused. Come right up,
23 please. This is Ms. Sims. She's going to administer an oath
24 to you.

25 (Witness was sworn.)

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Ticknor - Direct

1 THE COURT: Follow the Security Officer. Tell us your
2 full name, please, sir, and spell your last name.

3 THE WITNESS: Corey T. Ticknor. Last name is spelled
4 T-I-C-K-N-O-R.

5 COREY T. TICKNOR, called by the Government, duly sworn.

6 DIRECT EXAMINATION

7 BY MR. D. MILLS:

8 Q. Where do you reside? How are you employed?

9 A. I'm the owner of Corey's Fine Jewelry in San Antonio,
10 Texas, and I reside at 20121 Helotes Creek, in Helotes, Texas.

11 Q. And what do you do for a living?

12 A. I'm a jeweller and a coin jeweller -- or jeweller and a
13 coin salesman.

14 Q. Can you tell the jury how long you've been in that
15 business and how it was that you came to be in that business?

16 A. I've been a jeweller for approximately 20 years. And in
17 1980, I got out of the military and worked as a security guard
18 for eight months. And in those eight months, I worked for a
19 coin and jeweller in San Antonio.

20 Q. And then, after serving the business?

21 A. For eight months. Then, I went back in the military for a
22 short period of time, and then, I got out and went ahead and
23 was hired by one of the jewelry companies in San Antonio.

24 Q. What branch of the military were you in?

25 A. Marines.

Ticknor - Direct

1 Q. Do you have any law enforcement background relative to
2 being in the military?

3 A. Yes, sir, I was an MP, or military policeman, in the
4 Marines.

5 Q. For what period of time?

6 A. From 1976 to 1983.

7 Q. So how long have you owned your fine jewelry and rare coin
8 business now?

9 A. I opened it up in November of 1994.

10 Q. Did you bring some of your business records with you? Do
11 you have them up there?

12 A. Yes, sir.

13 Q. I'm going to direct your attention back to September of
14 1995, and ask if you recall a coin transaction where you were
15 asked to purchase approximately \$600,000 worth of coins?

16 A. Yes, sir.

17 Q. And I met you for the first time this afternoon outside,
18 and we talked about -- or maybe this morning -- about five or
19 ten minutes; is that correct?

20 A. Yes, sir.

21 Q. And went over your business records?

22 A. Correct.

23 Q. And can you tell the jury, if you recall, from looking at
24 your business records when this contact occurred relative to
25 the \$600,000 transaction that we're going to discuss in some

Ticknor - Direct

1 detail?

2 A. Around the middle of September, I believe it was. A
3 gentleman called me on the phone and asked if I was capable of
4 selling him \$600,000 worth of gold.

5 Q. And the year that we're talking about will be?

6 A. 1995.

7 Q. All right. And you responded?

8 A. I said, yes, sir, I was capable of selling him that amount
9 of gold, but he'd need to pay for it in advance.

10 Q. And can you tell the jury what type of transaction you
11 would require, in turn, before you would engage in whatever
12 you needed to do to acquire that amount of coin? What did
13 this individual have to do relative to providing security, if
14 any, before you would go purchase those coins?

15 A. What I told him was that he would need to wire the money
16 into my account or make a deposit into my account. That way,
17 it would secure the amount that he wanted purchased; then, I
18 would go ahead and purchase it for him.

19 Q. After this initial phone call, how did you contact the
20 individual who had called you?

21 A. I called him on his mobile phone.

22 Q. And do you recall the number that you called?

23 A. I have it here in my records. Area code 512-461-4478.

24 Q. And does your list -- do you have your phone bills there
25 with you?

Ticknor - Direct

1 A. Yes, sir.

2 Q. Can you tell when your phone bill indicates your first
3 phone call was made to that cell phone number?

4 A. September the 20th.

5 Q. What is the phone bill that you're looking at -- what is
6 the date that's indicated that's contained in that bill? From
7 what time period to what time period?

8 A. From September the 1st to September the 28th.

9 Q. Can you see if there was -- so you began calling him on
10 the 20th; is that correct?

11 A. Yes, sir, I believe he contacted me the previous week and
12 was asking if I was capable of doing the transaction.

13 Q. Okay. I want to show you what's been marked for
14 identification as Government's W57-1, and ask if these are
15 copies of your original business records that you brought?

16 A. Yes, sir. Here I have a notebook that I jot down notes
17 in, and the --

18 Q. Before you answer, those are -- you've looked at those
19 documents before; is that correct?

20 A. Yes, sir.

21 Q. And those are true and accurate copies of your --

22 A. Correct, I have the originals in my possession.

23 Q. We'd offer 57-1.

24 MR. T. MILLS: No objection.

25 THE COURT: Received.

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Ticknor - Direct

1 Q. (BY MR. D. MILLS) Would you tell the jury what the first
2 payment is you were beginning to do as it relates to this
3 particular transaction?

4 A. The first page that I'm looking at or the first top part
5 I'm looking at is -- I believe the gentleman indicated that he
6 wanted a mix of coins. What I'm referring to is I have 550
7 AEs, which stands for American Eagles, 550 MLs, or Maple
8 Leaves, and 480 -- 408 Krugerrands.

9 Q. And if I show you this -- what's been admitted as
10 Government's 57-2, does -- do you see this?

11 A. Yes, sir.

12 Q. And do these depict the Maple Leaves -- describe the
13 coins.

14 A. The Canadian Maple Leaves, one-ounce American Eagle, and
15 the South African Krugerrands.

16 Q. That's the kinds you indicated you were going to purchase,
17 correct?

18 A. Correct.

19 Q. Did you specify that or did someone else specify that?

20 A. No, sir. He requested it.

21 Q. Did there come a time when you acquired a driver's license
22 number for the individual that you were talking with?

23 A. Yes, sir. What I usually do is just to verify before I --
24 his identity. What I did is I went ahead -- I believe when I
25 met the gentleman, I went ahead and notated driver's license,

Ticknor - Direct

1 and I believe that this would have been the driver's license
2 number of the gentleman.

3 Q. And I'm showing you what's been admitted as W1-56C, which
4 is the driver's license of Jon Garth Murray. And you see the
5 number that's on this driver's license number, does it
6 correspond with the number that you wrote down? Take your
7 time and find it.

8 A. I remember I jotted down -- I wrote down a 06434693, yes,
9 sir.

10 Q. So it's the same as this driver's license that's been
11 previously admitted as Mr. Murray's driver's license, correct?

12 A. Correct.

13 MR. T. MILLS: May I see where that driver's license
14 number is?

15 MR. D. MILLS: This is on another piece of paper that
16 he's got. I don't think it's contained in yours.

17 Q. (BY MR. D. MILLS) This document that you're reading off
18 of, did you record that writing at the time that you made the
19 phone call and had him give you the phone number? Was that
20 prepared at the same time?

21 A. The question, please?

22 Q. Okay. More artfully, maybe. You wrote that driver's
23 license number down on that piece of paper at the same time
24 you were talking to the individual who was giving it to you,
25 back in September of 1995; is that correct?

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Ticknor - Direct

1 A. I believe so.

2 Q. Okay. Now, you have some -- do you have some more
3 information on the first page of that exhibit? Not the yellow
4 pages but the one with the glassine envelope, that one, that
5 relates to this transaction?

6 A. Yes, sir.

7 Q. And could you tell the jury what the other information is
8 that's in your handwriting?

9 A. Yes, sir. I wrote down Mr. Murray's number -- correction.
10 Mr. Murray's name, Jon Murray, his telephone number where I
11 could reach him at, and, also, this is dated from 10-9,
12 October the 9th, 10th, 11th, 12th, and the 13th, 16th, 17th,
13 19th and 23rd. These are the days after Mr. Murray picked up
14 the coins. I attempted to contact him and told him when he
15 had originally picked up the coins, he picked up a large
16 percentage of them but not all of them.

17 And when the remainder arrived, I attempted to contact
18 Mr. Murray and let him know that the rest of the coins were
19 in.

20 Q. So the original pick-up occurred when?

21 A. The original pick-up was 9-29.

22 Q. I believe you have copies. I'm going to use the copy
23 that's admitted and reference you to different things, and we
24 could do this, maybe, a little faster. You're looking at that
25 piece of paper that says invoice 423, does it not?

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Ticknor - Direct

1 A. Correct.

2 Q. And it shows that this shipped to Jon Murray; is that
3 correct?

4 A. Yes, sir, Mr. Murray picked up 550 American Eagles, 206
5 Maple Leaves and 408 Krugerrands.

6 Q. Okay. And before that occurred, there's some bank
7 documents, if you'll look in yours, that show statement of
8 activity. Are you familiar with those?

9 A. Yes, sir.

10 Q. Can you tell the jury when money was wired into your
11 account and what account it was wired into from the documents
12 that you have there?

13 A. September 22nd, \$600,000 was wired into my checking
14 account.

15 Q. Does it say the origin on the wire transfer? See where it
16 says O-R-G?

17 A. Yes, sir.

18 Q. And who does it say the originating party of the wire is?

19 A. United Secularists of America.

20 Q. And does it say from which bank it was coming?

21 A. From National Westminster Bank of New Jersey.

22 Q. And then, once you received the money, what did you do
23 with it?

24 A. Once I completed the -- or completed the transaction with
25 Mr. Murray, I went ahead and wired the amount due to my -- the

Ticknor - Direct

1 people that I was purchasing the gold from, which is the
2 Equity Bank in Dallas, who is the banker for Dillan Gage
3 Precious Metals in Dallas.

4 Q. And how much did you wire of the 600,000 to them?

5 A. \$591,991.70.

6 Q. And the difference between the amount wired and the
7 600,000, is that basically your profit or is it some other --

8 A. It's my profit, sir.

9 Q. All right. And then, there's another document -- it's
10 about the -- little further behind. It says Dillan Gage
11 Metals Division. Can you tell the jury what that is?

12 A. Yes, sir. When I buy the gold, if I don't have the gold
13 on hand, then I go ahead and purchase it from a broker, and
14 Dillan Gage is a broker in Dallas, and I bought the gold from
15 them.

16 Q. Okay. Then, we have some dates referencing Online Safe
17 Box History Systems; is that correct?

18 A. Yes, sir, this is my safe deposit box.

19 Q. And where is this safe deposit box located?

20 A. There is a Frost Bank, which is located several blocks
21 from my office, and the gold was arriving, delivered by the
22 Post Office. And to ensure security, I went ahead and rented
23 a safety deposit box and was taking the gold, as it
24 accumulated, down to the safety deposit box.

25 Q. Okay. These are your telephone tolls, basically, that you

Ticknor - Direct

1 referred to earlier, showing your phone contact with Mr.
2 Murray's cell phone, is that correct --

3 A. Correct.

4 Q. -- last?

5 A. Yes, sir.

6 Q. Now, tell the jury, if you will, please, when Mr. Murray
7 came to pick up the gold.

8 A. It was a Friday afternoon and on the 26th of September --
9 correction, 29th of September, and Mr. Murray had called the
10 day before and requested if he could pick up the gold that had
11 arrived and would like to pick it up on a Friday afternoon.

12 Q. And at that time, you had accumulated how much of the
13 gold?

14 A. At that time -- by that time, I'd accumulated 500,000 of
15 the 600,000 that was originally purchased.

16 Q. So what arrangements did you make for him to pick up this
17 gold?

18 A. I went ahead and reserved a conference room at the bank,
19 which is a secure location, and I reserved a conference room,
20 and I met Mr. Murray at the Frost Bank.

21 Q. Did you have anyone there with you?

22 A. Yes, sir, I had -- I hired a San Antonio Police Officer to
23 provide security for the transaction.

24 Q. Was anyone with Mr. Murray?

25 A. No, sir.

Ticknor - Direct

1 Q. Y'all met in the lobby at the bank; is that correct?

2 A. We met in the parking lot right outside the bank and
3 walked with Mr. Murray inside the bank.

4 Q. And once inside the bank, where did you go?

5 A. The bank is kind of like a two-story building, and the
6 lower floor is where they have the safety deposit box. So we
7 went to the safety deposit box, picked the gold up, put it on
8 a cart, because it was heavy, and took the elevator to the
9 second floor, where the conference room was located, went in
10 the conference room and counted the gold.

11 Q. Tell the jury what the process is of counting the gold.

12 A. Mr. Murray at that time picked up approximately 1200
13 ounces of gold. It's about 100 pounds of gold. And the way
14 they come is they come in these little tubes, little small
15 tubes, and they come anywhere from 10, 15, or 20, or 25 coins
16 in a roll. And what we did is we sat down and we counted out
17 and checked each roll, made sure, verified the amount of coins
18 that were in there and then, initialed the top of the tube.

19 Q. Do the three different coins that are depicted that you
20 purchased, do they weigh different amounts and thus, have
21 different value?

22 A. Slight -- well, the values are approximately the same.
23 They all contain one-ounce gold, but the Maple Leaf is
24 24-karat pure gold, which means it weighs 31 grams, and the
25 other two are 22-karat gold, but they contain one ounce and

Ticknor - Direct

1 ten percent of alloy; so they're slightly heavier but very
2 little.

3 Q. So it took you how long to do this accounting process?

4 A. Approximately 45 minutes to an hour.

5 Q. And what physical proximity were you to Mr. Murray?

6 A. He was relatively close to me, within -- it was a
7 conference table, an oval-shaped conference table, and he was
8 pretty much close, next to me. So he would -- I would count
9 them, he would count them, and we put the rolls down to the
10 end of the table that were both verified by he and myself.

11 Q. Was he as close to you as I was when I was standing by
12 that column there?

13 A. Yes, sir.

14 Q. Did you notice anything about his personal hygiene and his
15 physical appearance in terms of his dress?

16 A. He was -- he had kind of a scraggly beard and he was a
17 little ripe. I guess it's kind of like you've been outside in
18 the heat in Texas. So he was a little bit ripe. And his
19 shirt was like a short-sleeve white shirt and a tie and blue
20 pants, but the shirt was kind of wrinkled.

21 Q. Did he give the appearance of having been slept in?

22 A. It's possible. It looked like it was -- like a shirt that
23 hadn't been ironed.

24 Q. After you got through counting the money in determining, I
25 guess, satisfying both sides that it was roughly \$500,000

Ticknor - Direct

1 worth of coins, what did you do then?

2 A. Mr. Murray had come in with a -- kind of like an airport
3 dolly, kind of like what's right there. It's got wheels on
4 it, and you could see them in the airport all the time.
5 They're kind of like a little long rectangular suitcase, and
6 we put the gold in boxes, the tubes in the boxes. And little
7 boxes were, like, six-by-six. They come -- that's the way the
8 Post Office or the way they're shipped. And we put those in
9 the light suitcase, and then, we put it on a dolly, and we
10 rolled it out to his car and put the gold in the trunk of his
11 car.

12 Q. What type of vehicle did you put them in?

13 A. To the best of my recollection, I believe it was, like, a
14 blue Lincoln Towncar.

15 Q. So did you watch him drive off?

16 A. Yes, sir, I did.

17 Q. Did you see any other event -- any other individuals
18 approach him at the time he was driving off, getting in the
19 vehicle with him, anything of that nature?

20 A. No, sir.

21 Q. How long after this -- I believe you said it was the 29th.
22 How long after that did you accumulate -- before you
23 accumulated the other \$100,000 worth of coins?

24 A. Monday morning. Mr. Murray picked them up on Friday, and
25 the balance of the gold came in on Monday.

Ticknor - Direct

1 Q. And what did you do then?

2 A. That's when I attempted to contact Mr. Murray for the next
3 couple of weeks.

4 Q. And your phone records indicate you made how many attempts
5 to call him and the last attempt being?

6 A. I called Mr. Murray nine days straight. I called him on
7 the 9th, 10th, 11th, 12th 13th, 16th, 17th, 19th and 23rd, and
8 the last attempt was on the 23rd of October.

9 Q. And you never heard from the individual again?

10 A. No, sir.

11 Q. What ultimately happened to the other \$100,000 worth of
12 coins?

13 A. I turned them over to the IRS.

14 Q. Did you turn them over to this gentleman, Mr. Martin?

15 A. To Mr. Martin, yes, sir.

16 Q. And do you also have some records showing that no one else
17 -- where the coins were stole -- how many times did you enter
18 into that safety deposit box during this period of time?

19 A. When the original amount of coins came in, I had a larger
20 safety deposit box, but since I was paying quite a bit more
21 money for the larger safety deposit box, since I hadn't heard
22 from Mr. Murray, I went ahead and decided to shrink -- get a
23 smaller safety deposit box to save me some money. And what I
24 had done is gone in a couple of times over a couple of years
25 just to check on it and to make sure it was okay.

Ticknor - Cross

1 Q. You're the only one who has access to that, correct?

2 A. Yes, sir.

3 Q. And can you tell the jury what your records reflect in
4 terms of the times that you entered?

5 A. I went in in November of '95 and then, I didn't go back to
6 the safety deposit box for nine more months, and then, I went
7 in another month later. And then, I went in three more times
8 in December of '97, and that was it.

9 Q. Pass the witness, your Honor.

10 CROSS-EXAMINATION

11 BY MR. T. MILLS:

12 Q. Good afternoon, Mr. Ticknor.

13 A. Good afternoon, sir.

14 Q. My name is Tom Mills. I think we've met one time before.

15 A. Yes, sir.

16 Q. Just a couple of questions. Let me ask you if Defendant's
17 Exhibit No. 23 accurately reflects what the parking lot view
18 of the Frost Bank looks like in San Antonio?

19 A. This is taken from another side. If you go to the back
20 side of the building is where the entrance to the parking lot
21 is -- the entrance that we used.

22 Q. Okay. So this may be accurate, but it's not the direction
23 that y'all left at?

24 A. I believe so, yes, sir.

25 Q. All right, sir. When you met Jon Murray and talked with

Ticknor - Cross

1 him, were you able to tell that by his voice that he was the
2 same person that you had talked to previously on the
3 telephone?

4 A. I believe so, yes, sir.

5 Q. All right. There was nothing about it that made you think
6 when he introduced -- did you -- did he ever come to your
7 store?

8 A. No, sir.

9 Q. Okay. Was the only time you ever met him at the Frost
10 Bank?

11 A. Correct.

12 Q. And there was nothing about the way he sounded when you
13 met him in person that made you think, well, this isn't the
14 same person that I talked to before?

15 A. When I was speaking with Mr. Murray, I'd call Mr. Murray a
16 couple of times and somebody else had answered his phone and
17 said he either wasn't available or he would get a message to
18 him.

19 Q. All right. But maybe I'm wrong, but did you talk with a
20 person who identified himself as Jon Murray on the telephone?

21 A. Yes, sir.

22 Q. Prior -- I mean by the telephone?

23 A. Yes, sir.

24 Q. All right. And when you met a person who walked into the
25 bank and said, "I'm Jon Murray," did it seem like the same

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Ticknor - Cross

1 voice?

2 A. Yes, sir.

3 Q. All right. And that was on Friday, September the 29th,
4 correct?

5 A. Yes, sir.

6 Q. And you had a person by the name of Gary Albrecht meet you
7 at the bank on that day?

8 A. Mr. Albrecht met me at my store, and we drove down to the
9 Frost Bank.

10 Q. And who is Gary Albrecht?

11 A. He's a San Antonio Police Officer.

12 Q. And why did he happen to be there on Friday, September the
13 29th?

14 A. Usually with customers -- some customers feel better with
15 me providing security on a larger transaction like that. I
16 thought it would be -- Mr. Murray would appreciate it.

17 Q. All right. Was he in uniform?

18 A. Yes, sir.

19 Q. Did he have a gun?

20 A. Yes, sir.

21 Q. Did he have a walkie-talkie radio on his belt?

22 A. Yes, sir.

23 Q. Did you -- did the three of you meet in a bank conference
24 room?

25 A. Yes, sir.

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Ticknor - Cross

1 Q. To your recollection, did the bank conference room have a
2 video camera, like a security camera, or do you remember?

3 A. I don't remember, no, sir.

4 Q. All right. When the business transaction was done between
5 you and Mr. Murray, where was Officer Albrecht? He was there
6 in the conference room?

7 A. Yes, sir.

8 Q. Was the door to the conference room closed?

9 A. Yes, sir.

10 Q. For privacy?

11 A. Yes, sir.

12 Q. All right. And you had gone to your safe and gotten
13 \$500,000 worth of coins, correct?

14 A. Safety deposit box downstairs, yes, sir.

15 Q. Safety deposit box. And if Mr. Murray was in danger or
16 being kidnapped at that time, there was nothing physically
17 that would have kept him from alerting the police at that
18 time?

19 A. No, sir.

20 Q. All right. He did not seem nervous to you, did he?

21 A. No, sir.

22 Q. He -- nothing about his mannerisms caused you to be
23 suspicious, did it? Like this is something illegal, or this
24 is something unusual, or this man is in danger? Those kind of
25 red flags didn't go off in your brain, did they?

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Ticknor - Cross

1 A. No, sir.

2 Q. And the gold would have weighed about 125 pounds?

3 A. The total amount would have been about 125 pounds, but he
4 picked up a portion of it, and the 500,000 would have been
5 approximately 100 pounds.

6 Q. One-hundred pounds. And when -- did he spend several
7 hours in that room examining the coins and counting them?

8 A. No, sir, approximately 45 minutes to an hour.

9 Q. Forty-five minutes to an hour?

10 A. Yes, sir.

11 Q. And no one accompanied him in there, did they?

12 A. No, sir.

13 Q. And then, did the three of y'all walk out to the -- of the
14 back side to his car?

15 A. Yes, sir.

16 Q. And I don't think that I have a picture of it, but my
17 recollection is that that's a little bit smaller parking lot
18 than the one I showed you?

19 A. Yes, sir, it is.

20 Q. All right. Did you see anything suspicious in the parking
21 lot such as some vehicle or person kind of standing
22 suspiciously around or sitting in their car with the car motor
23 running, or anything that alerted you?

24 A. No, sir.

25 Q. And you do have some background in terms of military

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Ticknor - Cross

1 police and police or security work --

2 A. Yes, sir.

3 Q. -- after you got out of the military?

4 A. Yes, sir, I would have been very aware of that for Mr. Murray's sake.

6 Q. All right. And, quite frankly, perhaps for your own sake,
7 if it was going to be a stick-up or a robbery?

8 A. Yes, sir.

9 Q. That's a lot of gold coins. All right. Were you able to
10 determine if there was anyone else in the blue Lincoln
11 Towncar?

12 A. No, sir, it was empty.

13 Q. All right. Now, the \$100,000 that came in -- or the
14 \$100,000 worth of gold coins that came in -- came in to your
15 store or to the bank, wherever it came.

16 A. To my store -- Post Office to the store the following
17 Monday, yes, sir.

18 Q. The following Monday.

19 A. Correct.

20 Q. And that was in the month of October. By definition --

21 A. If I picked it up on the 29th -- yes, sir, first of
22 October, approximately.

23 Q. All right. So you don't know of any explanation why a
24 person would abandon \$100,000 worth of gold coins?

25 A. No, sir.

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Ticknor - Redirect

1 Q. Okay. And it's difficult to think of one unless they had
2 to make an exit before October 1st arrived, correct?

3 A. Yes, sir.

4 Q. That's all the questions I have.

5 RE-DIRECT EXAMINATION

6 BY MR. D. MILLS:

7 Q. Does your entry into the safe deposit box for those -- do
8 you remember what time of the day it was that you conducted
9 this transaction?

10 A. Enter the safety deposit with the balance of them?

11 Q. No. When you did the \$500,000 worth on the 29th.

12 A. In the afternoon.

13 Q. Early or --

14 A. About 2:00.

15 Q. -- somewhere in there?

16 A. Yes, sir.

17 Q. And when you -- how does one negotiate a coin like that?
18 Where do you have to take them if you want to convert it into
19 currency?

20 A. You could take them to a number of different places. You
21 could take them to coin dealers or some jewelry stores, or
22 pawn shops will buy them.

23 Q. Okay. If you take them to a pawn shop, what is normally
24 the value you receive for one of them when you take it there?

25 A. Normally the price of gold is approximately the same all

Ticknor - Redirect

1 day long, and it's either printed or everybody has it. It's
2 printed in the newspaper or they can call and get quote lines
3 in some of the different towns, and the price would be pretty
4 much the same every place you go.

5 Q. When you went outside to the parking lot with Mr. Murray
6 and you had this police officer with you, did you notice any
7 other vehicles in the parking lot?

8 A. I'm sure there were several. There were a number of other
9 vehicles in the parking lot, yes, sir.

10 Q. And would it have been possible, since you were asked
11 these questions, that somebody could have been in one of those
12 other vehicles watching what you were doing?

13 A. It's possible.

14 Q. Pass the witness.

15 MR. T. MILLS: No further questions.

16 THE COURT: May this witness be excused?

17 MR. D. MILLS: Yes, your Honor.

18 THE COURT: You could be excused. I'll have counsel
19 up here.

20 (At the Bench, on the record.)

21 THE COURT: How are we with witnesses?

22 MR. CARRUTH: I have a couple of more left, and if we
23 run out of time, I could call Donna Cowling and go all day.
24 Do you want to quit early?

25 THE COURT: We've got two more?

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Sanchez - Direct

1 MR. CARRUTH: I've got two more from out of town that
2 we'd like to get rid of because they're from San Antonio. And
3 then, we've got one who's local.

4 THE COURT: All right. Ten-minute recess.

5 (Recess.)

6 MR. CARRUTH: Sonia Sanchez.

7 (Witness was sworn.)

8 THE COURT: If you'll tell us, please, ma'am, your
9 full name and spell your last name.

10 THE WITNESS: Sonia Sanchez, S-A-N-C-H-E-Z.

11 SONIA SANCHEZ, called by the Government, duly sworn.

12 DIRECT EXAMINATION

13 BY MR. CARRUTH:

14 Q. Please tell the jury where you live and how you're
15 employed.

16 A. I live in San Antonio. I'm employed at Frost Bank.

17 Q. Okay. And what is your particular duties and
18 responsibilities there?

19 A. Custodian of records in the legal research department.

20 Q. Okay. And are you appearing here today in response to a
21 subpoena?

22 A. Yes, sir.

23 Q. Let me ask you this: Is the Frost National Bank a
24 federally insured financial institution? Are your deposits
25 and accounts insured through the FDIC, Federal Deposit

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Sanchez - Direct

1 Insurance Corporation?

2 A. Yes.

3 Q. And does your bank or your financial institution normally
4 conduct interstate financial transactions affecting interstate
5 commerce?

6 A. Yes.

7 Q. From state to state?

8 A. (Moving head up and down.)

9 Q. Okay. Let me show you, first, what's been marked for
10 identification as W51-1, and ask you if you recognize that
11 document, please, ma'am?

12 A. Yes.

13 Q. Does that purport to be a transaction report on a \$600,000
14 wire transfer coming from the National Westminster Bank of New
15 Jersey -- Jersey City, New Jersey to Corey's Fine Jewelry in
16 San Antonio, Texas?

17 A. Yes, it is.

18 Q. And was that financial transaction handled by your bank?

19 A. Yes.

20 Q. On what date, please, ma'am?

21 A. This was done on September 22nd, '95.

22 Q. We'd offer at this time, your Honor, W51-1.

23 MR. T. MILLS: No objection.

24 THE COURT: Received.

25 Q. (BY MR. CARRUTH) W51-2 is, likewise, a transaction report

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Sanchez - Direct

1 from the Frost National Bank, is it not?

2 A. Yes.

3 Q. And what does that report show, please, ma'am?

4 A. This shows this was another wire from Corey's Fine Jewelry
5 and Rare Coins to Equitable Bank in Dallas.

6 Q. Okay. And you said on that wire. Does that mean the
7 600,000 came in and the amount herein, \$591,991.70, was less
8 his commission or his fee was then wired to his bank or
9 Equitable Bank to Dillan Gage Metal?

10 A. Yes.

11 Q. That's W51-2, which we'd offer at this time.

12 MR. T. MILLS: No objection.

13 THE COURT: Received.

14 Q. (BY MR. CARRUTH) W51-3 is a account and signature card for
15 Corey Ticknor, is it not?

16 A. Yes, it is.

17 Q. You're familiar with these records because you brought
18 them?

19 A. Yes.

20 Q. If you examine that document behind the signature card, it
21 will show the deposit of these funds in Mr. Ticknor's account
22 and your bank, is that correct?

23 A. Yes.

24 Q. Offer 51-3.

25 MR. T. MILLS: No objection.

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Sanchez - Direct

1 THE COURT: Received.

2 Q. (BY MR. CARRUTH) Now, W51-4 is an individual account in
3 your bank in the name of Jon Garth Murray, is it not?

4 A. Yes, it is.

5 Q. And does that show any activity in that account?

6 A. Yes, there's activity.

7 Q. Okay. And we'd offer W51-4.

8 MR. T. MILLS: No objection.

9 THE COURT: Received.

10 Q. (BY MR. CARRUTH) And W51-5 is a joint account in your
11 bank. Actually, when it was open it was the Frost National
12 Bank Northwest Hills for Madalyn O'Hair, Jon G. Murray and
13 Robin Murray O'Hair; is that correct?

14 A. Yes.

15 Q. And offer W51-5.

16 MR. T. MILLS: No objection.

17 THE COURT: Received.

18 Q. (BY MR. CARRUTH) Finally, 51-6 is an Online Safe Box
19 history showing box information for a safe deposit box rented
20 by Corey T. Ticknor; is that correct?

21 A. Yes.

22 Q. And those are the records of the entry -- exit and entries
23 into that safe deposit box?

24 A. Yes.

25 Q. They're marked W51-6; is that correct?

Sanchez - Direct

1 A. Yes.

2 Q. I want to talk to you briefly about W51-5, if you'll take
3 that out for me, please, ma'am. Can you tell me, first,
4 ma'am, what is an ACH deposit?

5 A. It's automatically clearing house. It's paperless item
6 that comes through the system.

7 Q. Okay. That record that you now hold in your hand, the
8 joint account that the three O'Hairs shared in the Frost
9 National Bank, does that have any ACH deposits in it?

10 A. Yes, it does.

11 Q. And from whom was the funds received for those deposits?

12 A. They were coming from the U.S. Treasury, Social Security
13 and the VA benefits.

14 Q. And can you tell when was the last time anyone made a
15 withdraw from that account?

16 A. Looking at these statements?

17 Q. Well, based on your knowledge, do you know whether the
18 funds have laid in that account several years unclaimed?

19 A. Yes, it was. It was inactive for quite a while.

20 Q. Okay. So those checks were being automatically deposited
21 from the Social Security Administration and the Veterans
22 Administration, and yet, no one was withdrawing any funds; is
23 that correct?

24 A. Correct, yes, sir.

25 Q. And do you know what the final account balance is or was

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Sanchez - Direct

1 in that account?

2 A. By looking at this one, I believe this is -- let me just
3 double check.

4 Q. Or what was it that particular time?

5 A. The one I'm looking at here, the 12-96, last balance date,
6 December 26th was \$22,344.61.

7 Q. Okay. Thank you. Pass the witness.

8 MR. T. MILLS: We have no questions.

9 MR. CARRUTH: May the witness be excused, your Honor?

10 THE COURT: She may be excused.

11 MR. D. MILLS: While we're waiting, your Honor, I'd
12 like to offer Government's Exhibit W72B and W72A. I've shown
13 them to defense counsel. He has no objection. They are
14 rental receipts for the Four Seasons Hotel for David Waters.
15 W72A shows him checking out the 3rd of October, exiting the
16 4th, putting up the \$300 cash deposit. And W72B is for Gary
17 Karr of New Port Richey, Florida, arrival 10-3, departure,
18 1-4, putting up a \$300 cash deposit.

19 THE COURT: All right. W72A and B are received. This
20 is Ms. Sims. She's going to administer an oath to you, sir.

21 (Witness was sworn.)

22 THE COURT: If you'll follow the Security Officer,
23 please. Tell us, please, sir, your full name and spell your
24 last name.

25 THE WITNESS: Mark David Sparrow, S-P-A-R-R-O-W.

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Sparrow - Direct

1 MARK DAVID SPARROW, called by the Government, duly sworn.

2 DIRECT EXAMINATION

3 BY MR. D. MILLS:

4 Q. Where do you reside, sir, and where are you employed?

5 A. I'm in San Antonio, Texas, and I'm a real estate agent.

6 Q. I want to direct your attention to September of 1995, and
7 ask if you had an opportunity that month to purchase a gray
8 Mercedes Benz vehicle?

9 A. Yes, sir, I did.

10 Q. And can you tell the jury how you first became aware this
11 vehicle was for sale?

12 A. I was reading the ads in the newspaper, automotive ads,
13 and saw the car in the paper advertised for sale.

14 Q. And what type of vehicle did you see that was advertised
15 and what particularly struck your attention about that
16 vehicle?

17 A. It was a 1988 Mercedes 300 SEL. It was priced at \$15,000,
18 which was probably \$6,000 under the book value.

19 Q. And how do you know the book value?

20 A. Had my bank check it and make sure.

21 Q. And in response to this ad for this gray Mercedes Benz, in
22 the year model --

23 A. The 1988, 300 SEL.

24 Q. What did you do in response to that ad?

25 A. 512 area code on the phone number, so I dialed that and

Sparrow - Direct

1 spoke to a gentleman. He told me where the car would be and
2 how much he wanted for it and told me a little bit about the
3 car.

4 Q. And where -- go ahead. I'm sorry.

5 A. And he said I could see it over at Bonnie Jeans', which is
6 a bar on Fredericksburg Road.

7 Q. And do you know the address there on Fredericksburg Road?

8 A. I'm not sure.

9 Q. Okay. What did you do in response to being given that
10 instruction?

11 A. Well, my wife and I went over to look at the car, and the
12 car wasn't there.

13 Q. And then, what did you do when you couldn't locate the
14 vehicle?

15 A. We called the same number back later that afternoon, and
16 the gentleman said that the car would either be at Bonnie
17 Jean's or at the Warren Inn, which is across the side street
18 from the bar.

19 Q. So it's close to this bar that you were instructed to go
20 to in the first place; is that correct?

21 A. Yes, sir.

22 Q. And I'll show you what's been admitted as W25-16 that
23 purports to be the Warren Inn in San Antonio. Is that what
24 you -- the place where you relocated the vehicle?

25 A. Yes, sir.

Sparrow - Direct

1 Q. And I'll show you a certified copy of a Motor Vehicle
2 History for the vehicle in question and ask if you can
3 identify some of the title documents in here as involving you
4 and your wife purchasing this vehicle and the financing of it;
5 is that correct?

6 A. Yes, sir.

7 Q. And we'd offer W35-2. It's a certified copy of a Motor
8 Vehicle History for the Mercedes Benz in issue, your Honor.

9 THE COURT: 35 what?

10 MR. D. MILLS: 35-2.

11 THE COURT: It's received.

12 Q. (BY MR. D. MILLS) So when you went -- so you found the
13 vehicle at the Warren Inn; is that correct?

14 A. Yes, sir.

15 Q. And it was -- was there a person there to show you the
16 vehicle?

17 A. The gentleman said that once you saw the car, if you're
18 interested in it, then he would be in Bonnie Jean's, come in
19 there and found him.

20 Q. Did he give you a description of himself for you to locate
21 him?

22 A. He said just come in and ask for Jon Murray.

23 Q. All right. And when you and your wife saw the vehicle,
24 what did you then do?

25 A. It was in the parking lot of the Warren Inn. We went back

Sparrow - Direct

1 across the street to Bonnie Jean's, and I went inside and
2 asked for Jon Murray and this gentleman stood up in the bar
3 and came outside. Then, we went outside together.

4 Q. Were you -- at some point in time, I'm showing a --
5 showing this photograph of six individuals.

6 A. Yes, sir.

7 Q. And did you pick one of these individuals out of this
8 line-up as being the one that identified himself as Jon
9 Murray?

10 A. Yes, I did.

11 Q. And were you asked to write on the inside of that
12 photographic array which number you picked out? Do you
13 recognize?

14 A. I recognize my signature.

15 Q. And which photograph did you pick out?

16 A. I picked out No. 4.

17 Q. And does the photograph that's been previously identified
18 -- or Government's Exhibit W11-3, which is Danny Fry, is that
19 the same individual you picked out?

20 A. Yes, sir, it is.

21 Q. And this is the individual that posed as Jon Murray; is
22 that correct?

23 A. Yes, sir, it is.

24 Q. What did you do with Mr. Fry, who was posing as Jon
25 Murray, in relation of negotiating the sale of that vehicle?

Sparrow - Direct

1 A. Well, we talked out in front of Bonnie Jean's for a
2 minute, and he gave us the keys to the car, and we test drove
3 the car. Then, we came back, met him out in front of Bonnie
4 Jean's again and negotiated the price of the car. I attempted
5 to negotiate the price, and he told me he was selling it for
6 \$15,000, firm price. Said he was getting divorced, and he was
7 trying to save his assets from his -- to keep his ex-wife from
8 getting them.

9 Q. That's what he told you was the reason for the sale?

10 A. Right. And that's why -- I asked him why he had it priced
11 so inexpensively, and he said he priced it to sell quickly
12 because he was trying to get it sold so he could liquidate his
13 assets prior to his divorce.

14 Q. Do you remember how he was dressed when you first met him?

15 A. Yes, sir, he had on a -- I believe it was a blue button
16 shirt, like a work shirt. He had on acid-washed jeans, white
17 tennis shoe, I believe, and that's about it.

18 Q. Any particular reason that you remember white tennis
19 shoes?

20 A. No, just -- I just took the overall impression of him,
21 sizing him up. It was kind of an unusual deal, unusual
22 character.

23 Q. Now, how did -- where did you finance the vehicle, if you
24 did?

25 A. U.S.A.A. Bank.

Sparrow - Direct

1 Q. And does the exhibit that I introduced showing the title
2 history indicate that U.S.A.A. Bank had a lien -- you'll have
3 to look back through there. There's that couple of pages back
4 where you first see your name. There's a title there. I
5 believe it shows the bank you just described as being a
6 lienholder. Is that accurate?

7 A. Yes, sir.

8 Q. And how much of the purchase price did you finance?

9 A. The whole thing.

10 Q. And can you tell the jury how the arrangements went to
11 consummate the sale of this vehicle?

12 A. Well, when we -- I told him I had a lien at the bank and
13 it would be finalized that afternoon and asked him what time
14 we could meet at the bank to finalize the transfer of the
15 title. And he said just to call him and let him know when it
16 was done. That he would have -- he was busy. He'd have to go
17 to the bank by himself because he didn't want to try to
18 coordinate with his schedule meeting me at the bank at the
19 same time.

20 Q. And so what did you do in response to that?

21 A. Well, I finalized the loan at the bank, ensured -- made
22 sure the loan officer would actually go out and verify the
23 title of the same VIN number as the car did, because I was a
24 little bit uneasy with the fact he couldn't go to the bank
25 with us with the title. I just wanted to make sure the title

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Sparrow - Direct

1 was a good, clean title to the car.

2 Q. And did he ultimately go by to your knowledge?

3 A. Yes, sir, he did.

4 Q. And how did you discern that fact?

5 A. Well, I called him and told him it was ready, and he said
6 he would go that afternoon and then, he would deliver the car
7 to headquarters of the home builder I worked for.

8 Q. And that was Kaufman & Broad?

9 A. At the time it was Rayco, yes, sir.

10 Q. And so what did you do in response to him telling you he
11 was going to deliver the vehicle to that location?

12 A. He said he dropped the keys off by -- I believe it was
13 2:00 in the afternoon. And so my wife and I went back over
14 there to pick the car up, and as we were turning -- you could
15 turn left into their headquarters off Fredericksburg Road,
16 there was the Mercedes -- we actually ended up being right
17 behind him. He was in the left-turn lane ahead of us.

18 Actually, there was a truck in front of us, and he was
19 ahead of the truck.

20 Q. And was the individual in that photograph Danny Fry
21 driving that vehicle?

22 A. Yes, he was driving the Mercedes.

23 Q. Okay. And there was a pickup in between you and the
24 Mercedes. Is that what you testified to?

25 A. Yes, sir.

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Sparrow - Direct

1 Q. And so did you get a good view of the people in the pickup
2 truck?

3 A. I did, got a better view of them in the parking lot.

4 Q. Can you tell the jury what transpired and what you saw
5 occur with the pickup truck?

6 A. Okay. The parking lot at the headquarters is an unusual
7 parking lot. It's a building where there's parking down on a
8 lower level underneath the building for the executives. The
9 Mercedes went down underneath where he wasn't supposed to go.
10 He's supposed to park up on the upper level, which is open
11 parking, and pickup truck followed him down. So I stopped my
12 car by the front doors of the building and waited for him to
13 come back up the hill from underneath it, downstairs parking.

14 And he came up to the top of the hill where I was
15 standing, and he stopped the Mercedes and the pickup truck had
16 followed him down and back around and they passed him and
17 turned into -- there's two parking lots up on top. And
18 instead of just pulling in front of him and stopping, they
19 went to the second parking lot and stayed facing away from
20 where we were standing.

21 Q. And did Mr. Fry then give you the keys to the vehicle?

22 A. Yes, sir, he did.

23 Q. And after he gave you the keys to the vehicle, what did he
24 do?

25 A. He walked over to the, you know, across the parking lots

Sparrow - Direct

1 and got into the pickup truck.

2 Q. And did you -- could you describe the people in the pickup
3 truck?

4 A. I watched him as he went across there. The pickup truck
5 was a '65 Chevrolet brown pickup truck, and the gentleman
6 driving has -- was a large man with broad shoulders. Had
7 long, brown hair in the back. The lady that was sitting in
8 the passenger side, just saw the back of her, had brown curly
9 hair, was a large woman. I would say she was obese. To move
10 over, she picked herself up from the seat and moved across the
11 seat and kind of plopped herself down.

12 Q. When she -- this large woman moved herself over, did you
13 notice anything about the clothing she was wearing, and if you
14 did, what would you describe that type of apparel as being?

15 A. I would have said it was a mumu; it was a flower type --
16 upper part was flower and it had big puffy sleeves, and it was
17 kind of square-cut across the back.

18 Q. And how far away did the pickup stop?

19 A. It was probably 30 to 40 feet away. They could have
20 stopped much closer.

21 Q. And I want to show you a business record affidavit, it's
22 W36-1, and ask you if you recognize this as being your bank's
23 transaction of funding that vehicle. Could you look through
24 these documents? There's a cashier's check going to --

25 A. Uh-huh.

Sparrow - Cross

1 Q. -- for 15,000, and the date is September 5th, 1995; is
2 that correct?

3 A. Yes, sir.

4 Q. Do these documents reflect the pay-out by your bank for
5 that vehicle?

6 A. Yes, sir.

7 Q. We'd offer W36-1.

8 MS. WILLIAMS: No objection.

9 THE COURT: It's received.

10 MR. D. MILLS: Pass the witness.

11 CROSS-EXAMINATION

12 BY MS. WILLIAMS:

13 Q. Mr. Sparrow, during this strange transaction, did you ever
14 see this man right here?

15 A. No, ma'am.

16 Q. Nothing further.

17 MR. D. MILLS: Witness may be excused, your Honor.

18 THE COURT: You are excused, sir.

19 MR. CARRUTH: Your Honor, by my count, we count 17
20 witnesses today. We'd request a recess today for the jury and
21 ourselves.

22 THE COURT: With the mercy you may or may not answer.

23 Will the next witness with a substantial witness?

24 MR. CARRUTH: We stipulated during the break, your
25 Honor, and the next witness after that would be a substantial

1 witness, yes, if we have to call them.

2 THE COURT: All right, ladies and gentlemen of the
3 jury. Don't tell anybody I got easy and let y'all out at
4 5:30. Remember now, y'all sit down for just a second. Long
5 weekend because I've given you Friday to catch up, just like
6 we're going to catch up on all of the materials, hearings that
7 we have this week.

8 But remember the instructions because Monday morning,
9 I'll be asking you those questions under oath. Very important
10 that you comply with the answers. Be very safe. Have a good
11 weekend. I'll see you Monday morning at 8:30.

12 (Jury not present.)

13 THE COURT: Mr. Carruth, what's your estimate of where
14 you are?

15 MR. CARRUTH: The way we're going now, we may very
16 well finish next week, your Honor. I've been in touch with
17 the Marshals' Office, and they're supposed to get some inmates
18 here by Monday night. So we're really ahead of schedule. I'm
19 surprised.

20 THE COURT: We're not really ahead of schedule.

21 MR. CARRUTH: May I say that your Honor tries a case
22 like the Honorable Lucius Bunton?

23 THE COURT: No, you may not. As a matter of fact, I
24 testified in front of the Congress that was one of the reasons
25 I wanted this job, so I wouldn't have to try cases in Judge

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1 Bunton's court.

2 MR. CARRUTH: Mr. Mills has been helpful by not
3 cross-examining too much and only when necessary. We could
4 rest by next week.

5 THE COURT: Okay. Keep Mr. Mills in the pipeline so
6 that he can line up his witnesses when and if you do rest.

7 MS. WILLIAMS: We do have some concern, your Honor, we
8 have some out-of-state witnesses that I don't want to have to
9 bring in and have the government have to pay for a long --
10 over a long weekend. So I don't want to get in the spot that
11 the government was in the other day where they won't have
12 enough witnesses to fill up an entire day. They would have to
13 rest.

14 THE COURT: That was my big card -- that was the big
15 poker day of the -- well, I hope you don't get in that
16 position either, but it sure makes for a short trial. All
17 right. I'll see y'all Monday morning.

18 (Proceedings adjourned.)

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